

# 2012 CANDIDATE GUIDE

Compiled by the Bureau of Elections  
State Capitol Annex  
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Santa Fe, New Mexico 87501



**STATE OF NEW MEXICO**  
**DIANNA J. DURAN**  
**SECRETARY OF STATE**

## **An important note about using this guide:**

This publication has been prepared by the Bureau of Elections to serve as an easy-to-use reference for candidates who are seeking office in the 2012 election cycle. Please note, however, **that this guide is intended merely as a handy reference, not as the ultimate legal authority on the elections process.** For more details, please consult the *Election Handbook of the State of New Mexico, 2011 Edition*; the pertinent sections of *New Mexico Statutes Annotated 1978*; and any of the other sources noted in this guide. If you would like additional copies of the *2012 Candidate Guide* or of the *2011 Election Handbook*, please contact the Bureau of Elections at the address below.

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If you have any questions about the information contained in this guide, please feel free to call the Bureau of Elections at these numbers:

**1-800-477-3632 or 505-827-3600**

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### **IMPORTANT NOTICE**

**As of October 1, 2011, the date of publication of this Candidate Guide, redistricting plans for congressional districts, legislative offices, and public regulation commission have not been completed, and redistricting is in litigation. UNTIL DISTRICTS ARE DETERMINED, PETITIONS FILLED OUT AND SIGNED PRIOR TO THE DETERMINATION OF FINAL DISTRICTS MAY NOT BE VALID AND MAY BE SUBJECT TO CHALLENGE.**

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## **NOTICE TO CANDIDATES**

### ***Section 1-19-35(E)(F) NMSA 1978***

**E.** Any candidate who fails or refuses to file a report of expenditures and contributions or statement of no activity or to pay a penalty imposed by the secretary of state as required by the Campaign Reporting Act shall not, in addition to any other penalties provided by law:

**(1)** have the candidate's name printed upon the ballot if the violation occurs before and through the final date for the withdrawal of candidates; or

**(2)** be issued a certificate of nomination or election, if the violation occurs after the final date for withdrawal of candidates or after the election, until the candidate satisfies all reporting requirements of the Campaign Reporting Act and pays all penalties owed.

**F.** Any candidate who loses an election and who failed or refused to file a report of expenditures and contributions or a statement of no activity or to pay a penalty imposed by the secretary of state as required by the Campaign Reporting Act shall not be, in addition to any other penalties provided by law, permitted to file a declaration of candidacy or nominating petition for any future election until the candidate satisfies all reporting requirements of that act and pays all penalties owed.

# 2012 ELECTION CALENDARS

## PRIMARY ELECTION ACTIVITY

*(applicable statutory references in italics)*

### 2011

<b>Candidates may obtain and commence circulation of Nominating Petitions.</b> <i>(1-8-30(D) NMSA 1978)</i> First day that the secretary of state shall post on the secretary of state's website and shall furnish to each county clerk a sample of the nominating petition form.	<b>Saturday, October 1</b>
<b>Last day for a political party to notify the Secretary of State that it chooses not to participate in the Presidential Primary</b> <i>(1-15A-3(A) NMSA 1978)</i>	<b>Saturday, December 31</b>

### 2012

<b>Governor Issues Primary Election Proclamation</b> <i>(1-8-12 NMSA 1978)</i>	<b><i>On</i> Monday, January 30</b>
<b>Last Date for a Primary Election Candidate to Change Party Affiliation</b> Every person appearing as a candidate on the primary or general election ballot shall be a candidate only under the name and party affiliation designation appearing on his existing certificate of registration on file in the county clerk's office on the date of the governor's proclamation of a primary election. <i>(1-4-16(B) NMSA 1978)</i>	<b><i>No Later Than</i> Monday, January 30</b>
<b>FILING DAY for Pre-Primary Convention Designation</b> - Nominating petitions, declarations of candidacy by pre-primary convention designation for any statewide or federal office or for the office of U.S. Representative. <i>1-8-26(A)</i> For statewide office, financial disclosures must be filed at the time of filing the declaration of candidacy and nominating petition <i>(10-16A-3 NMSA 1978)</i>	<b><i>On</i> Tuesday, February 14</b>
<b>Last Date for Presidential Nominating Committee to nominate presidential primary candidates</b> - A committee meeting shall be convened in Santa Fe of the chief justice of the supreme court, speaker of the house of representatives, minority floor leader of the house of representatives, president pro tem of the senate, minority floor leader of the senate and state chairmen of the major political parties participating in the presidential primary to nominate presidential primary candidates and certify to the secretary of state the names of all those generally advocated and nationally recognized or supported by any major political party in the state as candidates of the major political parties participating in the presidential primary. <i>(1-15A-5 NMSA 1978)</i>	<b><i>No Later Than</i> Wednesday, February 15</b>
<b>Last Day to Certify Pre-Primary Candidates</b> - Secretary of State shall certify to the chair of each state political party the names of that party's candidates for statewide or federal office who have filed their declaration of candidacy. <i>(1-8-39.1(A)(B) NMSA 1978)</i> No candidate's name shall be placed on the ballot until the candidate has been notified in writing by the proper filing officer that the declaration of candidacy, the petition, and the certificate of registration are in proper order and the candidate is qualified to have the candidate's name on the ballot. The proper filing officer shall mail the notice no later than 5:00 p.m. on the Tuesday following the filing date. <i>(1-8-26(E) NMSA 1978)</i>	<b><i>No Later Than</i> Tuesday, February 21</b>

**PRIMARY ELECTION ACTIVITY – continued**  
*(applicable statutory references in italics)*

<b>Deadline for Challenging Nominating Petitions that were filed on February 14<sup>th</sup></b> - Any voter filing any court action challenging a nominating petition shall do so within ten (10) days after the last day for filing the declaration of candidacy with which the nominating petition was filed. <i>(1-8-35 NMSA 1978)</i>	<b>On February 24</b>
<b>Independent Candidate Nominating Petitions</b> - First day that the secretary of state shall post the independent candidate nominating petitions on the secretary of state's website and shall furnish to each county clerk a sample of the independent nominating petition form. <i>(1-8-50(E)NMSA 1978)</i>	<b><i>On</i> Thursday, March 1</b>
<b>Last Possible Filing Day for President of the United States-</b> No later than 5:00 p.m. on the 30 <sup>th</sup> day following nominations by committee, any person seeking the endorsement by the national political party for the office of the president of the United States, or any group organized in this state on behalf of, and with the consent of, such person, may submit to the secretary of state a petition on a form prescribed and furnished by the secretary of state to have such candidate's name printed on the presidential primary ballot. <i>(1-15A-6 NMSA 1978)</i>	<b><i>No Later Than</i> Thursday, March 15</b>
<b>Last Day to Hold Pre-Primary Convention.</b> <i>(1-8-21.1(B) NMSA 1978)</i>	<b><i>No Later Than</i> Sunday, March 18</b>
<b>FILING DAY for Write-in Candidates for the Primary Election</b> - Declaration of intent to be a write-in candidate for the primary election shall be filed with the proper filing officer for the office of U.S. Representative, members of the legislature, district judges, district attorneys, public regulation commission, public education commission, magistrate and any office voted on by all voters of the state. Such declaration of intent shall be filed before 5:00 p.m. on the third Tuesday in March. <i>(1-8-36.1(A)(C) NMSA 1978)(Primary Election write-in candidates are not required to file Nominating Petitions)</i>	<b><i>On</i> Tuesday, March 20</b>
<b>FILING DAY for all other offices</b> - Nominating petitions and declarations of candidacy for legislative, district judge, magistrate judge, district attorney, public regulation commission, public education commission shall be filed with the proper filing officer from 9:00 a.m. until 5:00 p.m. <i>(1-8-26(B) &amp; 1-8-21 (C) NMSA 1978)</i> . Declarations of candidacy and filing fees for all county offices shall be filed with the proper filing officer (county clerk) from 9:00 a.m. until 5 p.m. (County primary candidates are not required to file Nominating Petitions) Candidates for legislative offices must also file a financial disclosure statement. <i>(10-16A-3 NMSA 1978)</i>	<b><i>On</i> Tuesday, March 20</b>
<b>Notification of Candidacy by Filing Officer</b> – No candidate's name shall be placed on the ballot until the candidate has been notified in writing by the proper filing officer that the declaration of candidacy, the petitions, if required, and the certificate of registration of the candidate on file are in proper order and that the candidate, based on such documents is qualified to have his/her name placed on the ballot. The proper filing officer shall mail such notice not later than 5:00 p.m. on the Tuesday following the filing date. <i>(1-8-26(E) NMSA 1978)</i>	<b><i>No Later Than</i> Tuesday, March 27</b>

**PRIMARY ELECTION ACTIVITY – continued**  
*(applicable statutory references in italics)*

<p><b>Deadline for Challenging Nominating Petitions that were filed on March 20</b> - Any voter filing any court action challenging a nominating petition shall do so within ten (10) days after the last day for filing the declaration of candidacy with which the nominating petition was filed. <i>(1-8-35 NMSA 1978)</i></p>	<p><b><i>No Later Than</i></b>  <b>Friday, March 30</b></p>
<p><b><u>Last Possible Filing Day for Candidates Who Did Not Receive Preprimary Designation</u></b> - A Candidate who fails to receive the pre-primary convention designation that the candidate sought may collect additional signatures to total at least four percent (4%) of the total vote of the candidate's party in the state or congressional district, whichever applies to the office the candidate seeks, and file a new declaration of candidacy and nominating petitions for the office for which the candidate failed to receive a pre-primary designation. The declaration of candidacy and nominating petitions shall be filed with the secretary of state either ten (10) days following the date of the pre-primary convention at which the candidate failed to receive the designation or on the date all declarations of candidacy and nominating petitions are due pursuant to the provisions of the Primary Election Law, whichever is later. <i>(1-8-33(D) NMSA 1978)</i>          (SEE IMPORTANT NOTE ON PAGE 25)</p>	<p><b><i>No Later Than</i></b>  <b>Wednesday, March 28</b></p>
<p><b>Filing Day For New Political Parties</b> - Last day for any new political party to file rules, regulations and petitions for qualification to participate in the election cycle. <i>(1-7-2 &amp; 1-7-4 NMSA 1978)</i></p>	<p><b><i>No Later Than</i></b>  <b>Tuesday, April 3</b></p>
<p><b>Candidate Withdrawal from Primary Election</b> - A candidate seeking to withdraw shall withdraw no later than the first Tuesday in April before that primary election by filing a signed and notarized statement of withdrawal. <i>(1-8-44 NMSA 1978)</i></p>	<p><b><i>No Later Than</i></b>  <b>Tuesday, April 3</b></p>
<p><b>1<sup>st</sup> Campaign Report Due</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through April 2, and not previously reported. <i>(1-19-29(B)1 NMSA 1978)</i>  <b><i>Section (1-19-35(E)(F) NMSA 1978)</i></b>  <b>E.</b> Any candidate who fails or refuses to file a report of expenditures and contributions or statement of no activity or to pay a penalty imposed by the secretary of state as required by the Campaign Reporting Act shall not, in addition to any other penalties provided by law: <b>(1)</b> have the candidate's name printed upon the ballot if the violation occurs before and through the final date for the withdrawal of candidates; or <b>(2)</b> be issued a certificate of nomination or election, if the violation occurs after the final date for withdrawal of candidates or after the election, until the candidate satisfies all reporting requirements of the Campaign Reporting Act and pays all penalties owed.  <b>F.</b> Any candidate who loses an election and who failed or refused to file a report of expenditures and contributions or a statement of no activity or to pay a penalty imposed by the secretary of state as required by the Campaign Reporting Act shall not be, in addition to any other penalties provided by law, permitted to file a declaration of candidacy or nominating petition for any future election until the candidate satisfies all reporting requirements of that act and pays all penalties owed.</p>	<p><b><i>On or Before</i></b>  <b>Monday, April 9</b></p>



**PRIMARY ELECTION ACTIVITY – continued**  
*(applicable statutory references in italics)*

<p><b>Absentee Voting For Primary Election Begins</b> <i>(1-6-5(E) NMSA 1978)</i></p> <p><b>Voter Registration for Primary Election Closes at 5:00 p.m.</b> <i>(1-4-8(A) NMSA 1978)</i></p>	<p><b><i>On</i></b> <b>Tuesday, May 8</b></p>
<p><b>2<sup>nd</sup> Campaign Report or Statement of No Activity</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through May 7, and not previously reported. <i>(1-19-29(B)2 NMSA 1978)</i></p>	<p><b><i>On or Before</i></b> <b>Monday, May 14</b></p>
<p><b>Early In Person Voting for Primary Election Begins.</b> An early voter may vote in person at an alternate voting location established by the county clerk. Alternate locations are available in certain counties. <i>(1-6-5.7 NMSA 1978)</i></p> <p><i>Please contact your county clerk for availability of alternate locations in your county. County Clerk information can be found on Page 21</i></p>	<p><b><i>On</i></b> <b>Saturday, May 19</b></p>
<p><b>3<sup>rd</sup> Campaign Report Due or Statement of No Activity</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through May 29, and not previously reported. <i>(1-19-29(B)5 NMSA 1978)</i></p> <p><i>(Any contribution or pledge to contribute that is received after 5:00 p.m. on the Tuesday before the election and that is for five hundred dollars (\$500) or more in a legislative or non-statewide judicial election, or two thousand five hundred dollars (\$2,500) or more in a statewide election, shall be reported to the proper filing officer either in a supplemental report on a prescribed form within twenty-four hours of receipt or in the report to be filed by 5:00 p.m. on the Thursday before a primary, general or statewide special election, except that any such contribution or pledge to contribute that is received after 5:00 p.m. on the Friday before the election may be reported by 12:00 noon on the Monday before the election.)</i></p>	<p><b><i>On or Before</i></b> <b>Thursday, May 31</b></p>
<p><b>Last Day County Clerks Shall Mail Absentee Ballots</b> <i>(1-6-5 (H) NMSA 1978)</i></p>	<p><b><i>No Later Than</i></b> <b>Friday, June 1</b></p>
<p><b>Early In-Person Voting Ends for the Primary Election.</b> <i>(1-6-5.7(A) NMSA 1978)</i></p>	<p><b><i>On</i></b> <b>Saturday, June 2</b></p>
<p><b>Primary Election Day-</b> Polls open from 7:00 a.m. to 7:00 p.m. County clerk shall accept completed official mailing envelopes containing absentee ballots until 7:00 p.m. <i>(1-8-11&amp;1-6-10(B) NMSA 1978)</i></p>	<p><b><i>On</i></b> <b>Tuesday, June 5</b></p>
<p><b>4<sup>th</sup> Campaign Report Due or Statement of No Activity</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through June 30, and not previously reported. <i>(1-19-29(B)(6) NMSA 1978)</i></p>	<p><b><i>On or Before</i></b> <b>Thursday, July 5</b></p>

# GENERAL ELECTION ACTIVITY

*(applicable statutory references in italics)*

**2012**

<p><b>Filing Day for Independent Candidates</b> – Independent candidates for federal offices, including president of the United States, statewide offices, members of the legislature, public regulation commission, district judge, state board of education, magistrate or county office shall file declarations of candidacy and nominating petitions with the proper filing officer during the period commencing at 9:00 a.m. and ending at 5:00 p.m on the twenty-first day following the primary election. <i>(1-8-52(A) NMSA 1978)</i> Candidates for statewide or legislative offices must also file a financial disclosure statement. <i>(10-16A-3 NMSA 1978)</i></p> <p><b>Filing Day for Write-in Candidates</b> - Declarations of intent to be a write-in candidate for the general election shall file the declaration of intent between 9:00 a.m. and 5:00 p.m. on the twenty-first day following the primary election. No person shall be a write-in candidate in the general election who was a candidate in the primary election. <i>(1-12-19.1(A) NMSA 1978)</i></p>	<p><b><i>On</i></b> <b>Tuesday, June 26</b></p>
<p><b>Voter Registration Re-opens.</b> <i>(1-4-8(A)(2) NMSA 1978)</i></p>	<p><b><i>On</i></b> <b>Monday, June 11</b></p>
<p><b>Filing Day for Minor Party Candidates</b> – Minor parties shall certify to the proper filing officer the names of their party’s nominees, together with a petition containing a list of signatures and addresses of voters totaling not less than 1% of the total number of votes cast at the last preceding general election for governor or president in the state for statewide offices, county for countywide offices or in the district for offices other than statewide or county offices with the proper filing officer during the period commencing at 9:00 a.m. and ending at 5:00 p.m. Persons certified as nominees shall be members of that party before the day the Governor issues the Primary election proclamation. <i>(1-8-2 NMSA 1978)</i></p>	<p><b><i>On</i></b> <b>Tuesday, June 26</b></p>
<p><b>Last Day to Amend Party Rules and Regulations</b> - No party amendments shall be made less than one hundred twenty days prior to any general election, nor shall any amendment be effective until thirty days after being filed. Amendments shall be filed in the same manner as original party rules and regulations are filed. <i>(1-7-5 NMSA 1978)</i></p>	<p><b><i>No Later Than</i></b> <b>Monday, July 9</b></p>
<p><b>Candidate Withdrawal from General Election</b> - No candidate shall withdraw from a general election unless the candidate withdraws at least sixty-three days prior to that election by filing a signed and notarized statement of withdrawal. <i>(1-8-9 NMSA 1978)</i></p> <p><b>Drawing by Lot for Ballot Position of Political Parties</b> - Drawing by lot for ballot position for political parties by the party chair or designated representative in the Office of the Secretary of State. <i>(1-10-8.1(A)NMSA 1978 &amp; 1.10.6.8 NMAC)</i></p>	<p><b><i>No Later Than</i></b> <b>Tuesday, September 4</b></p> <p><b><i>On</i></b> <b>Wednesday, September 5</b></p>
<p><b>Last day to fill vacancies for General Election</b> - Appointment to fill vacancy in the list of a party’s nominees or for parties to nominate a person to fill a vacancy created by the death or resignation of a person holding a public office not included in the Governor’s proclamation shall be made and filed by this date. <i>(1-8-8(C) NMSA 1978)</i></p>	<p><b><i>No Later Than</i></b> <b>Tuesday, September 11</b></p>

**General Election Activity- continued**  
*(applicable statutory references in italics)*

<b>1<sup>st</sup> Campaign Report Due for the General Election</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through September 3, and not previously reported. <i>(1-19-29(B)3 NMSA 1978)</i>	<b><i>On or Before</i></b> <b>Monday, September 10</b>
<b>2<sup>nd</sup> Campaign Report or Statement of No Activity</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through October 1, and not previously reported. <i>(1-19-29(B)4 NMSA 1978)</i>	<b><i>On or Before</i></b> <b>Monday, October 8</b>
<b>Voter Registration for General Election closes at 5:00 p.m.</b> <i>(1-4-8 NMSA 1978)</i>  <b>Absentee Voting for General Election begins.</b> <i>(1-6-5(E) NMSA 1978)</i>	<b><i>On</i></b> <b>Tuesday, October 9</b>
<b>Early In-Person voting for General Election begins</b> - An early voter may vote in person at an alternate voting location established by the county clerk. Alternate locations are available in certain counties. <i>(1-6-5.7 NMSA 1978)</i>  <i>Please contact your county clerk for availability of alternate location in your county. County Clerk information can be found on page 21</i>	<b><i>On</i></b> <b>Saturday, October 20</b>
<b>3<sup>rd</sup> Campaign Report Due or Statement of No Activity</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through October 30, and not previously reported. <i>(1-19-29(B)5 NMSA 1978)</i> <i>(Any contribution or pledge to contribute that is received after 5:00 p.m. on the Tuesday before the election and that is for five hundred dollars (\$500) or more in a legislative or non-statewide judicial election, or two thousand five hundred dollars (\$2,500) or more in a statewide election, shall be reported to the proper filing officer either in a supplemental report on a prescribed form within twenty-four hours of receipt or in the report to be filed by 5:00 p.m. on the Thursday before a primary, general or statewide special election, except that any such contribution or pledge to contribute that is received after 5:00 p.m. on the Friday before the election may be reported by 12:00 noon on the Monday before the election.)</i>	<b><i>On or Before</i></b> <b>Thursday, November 1</b>
<b>Early In-Person voting for General Election ends.</b> <i>(1-6-5.7(A)NMSA 1978)</i>	<b><i>On</i></b> <b>Saturday, November 3</b>
<b>General Election Day</b> Last day county clerk shall accept completed office mailing envelopes containing absentee ballots until 7:00 p.m. <i>(NM Const. Art. XX, Sec. 6 &amp; 1-6-5(E) NMSA 1978)</i>	<b>Tuesday, November 6</b>
<b>Voter Registration reopens.</b> <i>(1-4-8(A)(2) NMSA 1978)</i>	<b><i>On</i></b> <b>Monday, November 12</b>
<b>4<sup>th</sup> Campaign Report Due or Statement of No Activity</b> - All reporting individuals shall file an electronic report by 5:00 p.m. of all expenditures made and contributions received through December 1, and not previously reported. <i>(1-19-29(B)(5) NMSA 1978)</i>	<b><i>On or Before</i></b> <b>Thursday, December 6</b>

## OFFICES APPEARING ON THE BALLOT

OFFICE		DISTRICT (if applicable)	TERM
FEDERAL OFFICES			
President and Vice-President of the United States ( <i>Vice-President appears only on the General Election ballot</i> )			4 year
United States Senator			6 year
U.S. Representative		District 1	2 year
U.S. Representative		District 2	2 year
U.S. Representative		District 3	2 year
STATEWIDE OFFICES			
Justice of the Supreme Court* (1 for retention)			8 year
Judge of the Court of Appeals* (1 for election, 2 for retention )			8 year
LEGISLATIVE OFFICES			
State Senators		All 42 Districts	4 year
State Representatives		All 70 Districts	2 year
STATE DISTRICT OFFICES			
Public Regulation Commission		District 1	4 year
Public Regulation Commission		District 3	4 year
Public Education Commission		District 1	4 year
Public Education Commission		District 3	4 year
Public Education Commission		District 4	4 year
Public Education Commission		District 5	4 year
Public Education Commission		District 8	4 year
Public Education Commission		District 9	4 year
Public Education Commission		District 10	4 year
JUDICIAL DISTRICT OFFICES			
District Judges	2 <sup>nd</sup> Judicial District, Div. XIX & XXI 3 <sup>rd</sup> Judicial District, Div. II,III & IV 5 <sup>th</sup> Judicial District, Div. IX 6 <sup>th</sup> Judicial District, Div. II 8 <sup>th</sup> Judicial District, Div. II & III 9 <sup>th</sup> Judicial District, Div. IV		6 year
District Attorneys	All thirteen Districts (11 <sup>th</sup> district has two divisions.		4 year
*Certain judicial offices shall be subject to non-partisan retention election in the 2012 general election. See N.M. Constitution, Article VI, Section 33, for more information.			

## COUNTY OFFICES APPEARING ON THE BALLOT

<b>BERNALILLO COUNTY</b> County Commissioner District 2, 3 & 4 County Clerk County Treasurer Metropolitan Court Judge Division 17	<b>GUADALUPE COUNTY</b> County Commissioner District 3 County Clerk County Treasurer
<b>CATRON COUNTY</b> County Commissioner District 3 County Clerk County Treasurer Probate Judge	<b>HARDING COUNTY</b> County Commissioner District 3 County Clerk County Treasurer
<b>CHAVES COUNTY</b> County Commissioner District 2, 3 & 4 County Clerk County Treasurer	<b>HIDALGO COUNTY</b> County Commissioner Position 3 County Clerk County Treasurer
<b>CIBOLA COUNTY</b> County Commissioner District 2, 4 & 5 County Clerk County Treasurer	<b>LEA COUNTY</b> County Commissioner District 1, 4 & 5 County Clerk County Treasurer Magistrate Judge Division 4
<b>COLFAX COUNTY</b> County Commissioner District 3 County Clerk County Treasurer	<b>LINCOLN COUNTY</b> County Commissioner District 1 & 3 County Assessor County Sheriff Probate Judge
<b>CURRY COUNTY</b> County Commissioner District 2, 4 & 5 County Clerk County Treasurer	<b>LOS ALAMOS COUNTY</b> County Council <u>(1, 3 and 4 positions instead of commission districts, Los Alamos County is composed of a County Council with 7 seats, 3 of which are on the ballot in 2012)</u>  County Clerk
<b>DE BACA COUNTY</b> County Commissioner District 3 County Clerk County Treasurer	<b>LUNA COUNTY</b> County Commissioner District 3 County Clerk County Treasurer
<b>DONA ANA COUNTY</b> County Commissioner District 2 & 5 County Clerk County Treasurer Magistrate Judge Division 3	<b>MCKINLEY COUNTY</b> County Commissioner District 3 County Clerk County Treasurer
<b>EDDY COUNTY</b> County Commissioner District 2, 3 & 5 County Treasurer County Sheriff	<b>MORA COUNTY</b> County Commissioner District 3 County Clerk County Treasurer
<b>GRANT COUNTY</b> County Commissioner District 3 County Clerk County Treasurer	<b>OTERO COUNTY</b> County Commissioner District 3 County Clerk County Treasurer

## COUNTY OFFICES APPEARING ON THE BALLOT

<b>QUAY COUNTY</b> County Commissioner District 1 & 2 County Clerk County Treasurer	<b>SIERRA COUNTY</b> County Commissioner District 3 County Clerk County Treasurer
<b>RIO ARRIBA COUNTY</b> County Commissioner District 3 County Clerk County Treasurer	<b>SOCORRO COUNTY</b> County Commissioner District 2, 4 & 5 County Clerk County Treasurer
<b>ROOSEVELT COUNTY</b> County Commissioner District 1 & 2 County Clerk County Treasurer Probate Judge	<b>TAOS COUNTY</b> County Commissioner District 3 & 4 County Clerk County Treasurer Magistrate Judge Division 2
<b>SAN JUAN COUNTY</b> County Commissioner District 3, 4 & 5 County Clerk County Treasurer Magistrate Judge Division 4	<b>TORRANCE COUNTY</b> County Commissioner District 3 County Clerk County Treasurer
<b>SAN MIGUEL COUNTY</b> County Commissioner District 2, 4 & 5 County Clerk County Treasurer	<b>UNION COUNTY</b> County Commissioner District 3 County Clerk County Treasurer
<b>SANDOVAL COUNTY</b> County Commissioner District 2, 4 & 5 County Clerk County Treasurer Probate Judge	<b>VALENCIA COUNTY</b> County Commissioner District 2, 4 & 5 County Clerk County Treasurer
<b>SANTA FE COUNTY</b> County Commissioner District 2, 4 & 5 County Clerk County Treasurer	

## VACANCIES IN OFFICE

Offices that become vacant because of resignation or death may appear on the ballot. (1-8-7 and 1-8-8 NMSA 1978)

## GENERAL ELIGIBILITY REQUIREMENTS THAT APPLY TO ALL OFFICES

Section 1-8-18(A) and 1-4-16(B) NMSA 1978

No person shall become a candidate for nomination by a political party or have his/her name printed on the election ballot unless the record of voter registration shows:

- Affiliation with that political party on the date of the governor's proclamation for the primary election (the 2012 primary election proclamation will be issued by January 30, 2012);
- Residence in the district of the office for which he/she is a candidate on the date of the governor's proclamation for the primary election, or in the case of a person seeking the office of United States Senator or United States Representative, residence within New Mexico on the date of the governor's proclamation for the primary election;
- Every person appearing as a candidate on the primary or general election ballot shall be a candidate only under the name and party affiliation indicated on the certificate of voter registration on the date of the governor's proclamation; and
- For the purpose of determining residency, permanent residence shall be resolved in favor of that place shown on the person's certificate of registration as his permanent address, provided the person resides on the premises. (1-1-7.1 NMSA 1978)
- A person who has been convicted of a felony shall not be permitted to hold an office of public trust for the state, a county, a municipality or a district, unless the person has presented the governor with a certificate verifying the completion of his/her sentence and was granted a pardon or a certificate by the governor restoring his/her full rights of citizenship. (31-13-1(E) NMSA 1978)

**U.S. Citizenship:** United States citizenship is a prerequisite to registering to vote and a general requirement for holding elective public office in New Mexico (*NM Const. Art. VII, Sec. 1 & 2(A)*).

**Eighteen Years of Age or Older:** Furthermore, the 26<sup>th</sup> Amendment to the United States Constitution grants the elective franchise to persons eighteen years or older and supersedes the minimum age requirements for voter registration in the NM. Const. Art. VII, Sec.1.

### DUTIES OF EACH ELECTED OFFICE

The duties of each elected office in New Mexico are specified in the state constitution; state statutes; or in the case of federal offices, the Constitution of the United States.

## **SPECIFIC ELIGIBILITY REQUIREMENTS AND DUTIES**

### **President of the United States**

In addition to the general requirements, to serve as President of the United States, a person:

- must be a natural born citizen;
- must be a resident within the United States for fourteen years; and
- must be at least thirty-five years of age. (U.S. Const. Art. II Sec. 1)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office serves as commander in chief of the Army and the Navy and of the militia of individual states; has the power to grant reprieves and pardons for offenses against the United States, except in the cases of impeachment; has the power to make treaties, with the concurrence of two-thirds of the Senators present; with the consent of the Senate, nominates and appoints ambassadors, justices of the Supreme Court, and other federal officers whose appointments are not otherwise provided for; has the power to fill vacancies that occur during the recess of the Senate; describes the state of the union to Congress “from time to time;” on extraordinary occasions, may convene both houses of Congress or either one of them; receives ambassadors and other public ministers; ensures that the laws of the United States are faithfully executed; and commissions all the officers of the United States. (U.S. Const. Art. II, Sec. 2 & 3)

### **Vice President of the United States**

In addition to the general requirements, to serve as Vice President of the United States a person:

- must be a natural born citizen;
- must be a resident within the United States for fourteen years; and
- must be at least thirty-five years of age. (U.S. Const. Art. II Sec. 1)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office presides over the U.S. Senate, and assumes the powers and duties of the President upon the President’s death, resignation, or inability to serve; becomes President upon the death of the President-Elect at the beginning of the term. (U.S. Const. Art. II Sec 1; see also Amend. XXC-4 and XX-3)

### **United States Senate**

In addition to the general requirements, to serve as U.S. Senator a person:

- must be at least thirty years of age;
- must have been a citizen of the United States for nine years; and
- must be an inhabitant of New Mexico. (U.S. Const. Art. I, Sec. 3, cl. 3)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office represents the interest of constituents in his or her state, as well as the interests of the federal government, and helps set national policy.

### **United States Representative**

In addition to the general requirements, to serve as a U.S. Representative a person:

- must be at least twenty-five years of age;



- must have been a citizen of the United States for seven years; and
- must be a resident of New Mexico. (U.S. Const., Art. I, Sec. 2, cl. 2)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office represents the interests of constituents in his or her district, serves as an ombudsman between the citizens and federal government, and helps set national policy.

### **State Senator**

In addition to the general requirements, to serve as State Senator a person:

- must be at least twenty-five years of age;
- must be a resident of the district from which elected

**NOTE:** No person shall be eligible to serve in the state legislature who, at the time of qualifying, holds any office of trust or profit with the state, county or national governments, except for notaries public and officers of the militia who receive no salary. (N.M. Const. Art. IV, Sec. 3A and Art. VII, Sec. 2A)

In addition to other duties prescribed by law or dictated by custom, the person in either of these legislative offices, together with other representative and senators, enacts “reasonable and appropriate laws,” represents the constituents in his or her district, and serves on standing or interim committees.

### **State Representative**

In addition the general requirements to serve as a State Representative a person:

- must be at least twenty-one years of age;
- must be resident of the district from which elected. (N.M. Const. Art. IV, Sec. 3(A) and Art. VII. Sec. 2 (A))

**NOTE:** No person shall be eligible to serve in the state legislature who, at the time of qualifying, holds any office of trust or profit with the state, county or national governments, except for notaries public and officers of the militia who receive no salary.

In addition to other duties prescribed by law or dictated by custom, the person in either of these legislative offices, together with other representative and senators, enacts “reasonable and appropriate laws,” represents the constituents in his or her district, and serves on standing or interim committees.

### **Justice of the Supreme Court**

In addition to the general requirements, to serve as Supreme Court Justice a person:

- must be at least thirty-five years of age;
- must have been in actual practice of law for at least ten years preceding assumption of office; and
- must have resided in the state for at least three years immediately preceding assumption of office. (N.M. Const., Art. VI, Sec. 8)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office together with other justices, acts as a conservator of the peace; has original jurisdiction in certain cases against state officers, boards and commissions;

and has superintending control over all inferior courts, including the authority to review any civil or criminal matter in which the decision of the court of appeals meets certain condition prescribed by law.

### **Judge of the Court of Appeals**

In addition to the general requirements, to serve as a Court of Appeals Judge a person:

- must be at least thirty-five years of age;
- must have been engaged in actual practice of law for at least ten years preceding assumption of office; and
- must have resided in the state for at least three years immediately preceding the assumption of office. (N.M. Const., Art. VI, Sec. 8)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office, together with other judges, exercises appellate jurisdiction in a number of actions and decisions specified by law.

### **Public Regulation Commissioner**

In addition to the general requirements, to serve as Public Regulation Commissioner a person:

- must be at least eighteen years of age;
- must be a United States citizen; and
- must reside in the district he or she represents. (N.M. Const. Art. VII, Sec. 2A and Art. XI, Sec. 1)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office, together with other members of the Commission, shall have responsibility for chartering and regulating business corporations in such manner as the legislature shall provide, regulating public utilities including electric, natural gas and water companies; transportation companies, including common and contract carriers; transmission and pipeline companies including telephone, telegraph and information transmission companies; insurance companies and others engaged in risk assumption; and other public service companies in such manner as the legislature shall provide. (Adopted November 5, 1996)

### **District Judge**

In addition to the general requirements, to serve as District Judge a person:

- must be at least thirty-five years of age;
- must have been engaged in actual practice of law for at least six years preceding assumption of office;
- must have resided in the state for at least three years immediately preceding assumption of office; and
- must be a resident of the district from which elected. (N.M. Const. Art. VI, Sec. 14, as amended in 1988)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office acts as a conservator of the peace, holds preliminary examinations in criminal cases, abides by the rules of criminal and civil procedure

### **District Attorney**

In addition to the general requirements, to serve as District Attorney a person:

- must be at least eighteen years of age;
- must be a resident of New Mexico for three years prior to his or her election;
- must be learned in the law; and
- must be a resident in district from which elected. (N.M. Const. Art. VI, Sec. 24 and Art. VII, Sec. 2A)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office prosecutes all cases in his or her district in which the state or a county in the district is involved or interested, and represents any county in the district in all civil cases before the Supreme Court or the Court of Appeals.

### **Public Education Commission**

In addition to the general requirements, to serve as a member of the Public Education Commission a person:

- must be at least eighteen years of age;
- must be a United States citizen; and
- must reside in the district he or she represents. (N.M. Const. Art. VII, Sec 2A, and Art. XII, Sec. 6B)

In addition to performing other duties prescribed by law or dictated by custom, the person in this office, together with other members of the Board, act as the governing authority that controls; manages and directs all public schools, except as otherwise provided by law; appoints a state superintendent of schools; and determines the qualification for teachers, counselors, and administrators in the public schools.

### **Metropolitan Court Judge**

In addition to the general requirements, to serve as a metropolitan court judge, a person:

- Must be a resident of the district he or she represents;
- Shall be a member of the bar of and have practiced in this state for a period of three years (N.M. Const. Art. VI, Sec. 26 & 34-8A-4 NMSA 1978)

### **County Commissioner**

In addition to the general requirements, to serve as County Commissioner a person:

- must be at least eighteen years of age; and
- must be a resident of the district (or county) from which elected.

In addition to performing other duties prescribed by law or dictated by custom, the person in this office, together with other members of the Board of County Commissioners, represents the county in all its interests in all cases not otherwise provided by law, and appoints election officials to fill vacancies. (Section 4-38-1 NMSA 1978 establishes the office of county commissioner. See also Section 4-38-3 NMSA 1978; N.M. Const. Art. V, Section 13 and Art. VII, Sec. 2A)

### **County Clerk**

In addition to the general requirements, to serve as County Clerk a person:

- must be at least eighteen years of age;
- must be a resident of the county.

In addition to performing other duties prescribed by law or dictated by custom, the person in this office serves as voter registration officer for his or her county, serves as

ex-officio clerk of the Board of County Commissioners, and supervises the elections process in his or her county.

### **County Treasurer**

In addition to the general requirements, to serve as County Treasurer a person:

- must be at least eighteen years of age; and
- must be a resident of the county.

In addition to performing other duties prescribed by law or dictated by custom, the person in this office keeps an account of all monies received and disbursed and an account of all county monies received and disbursed and an account of warrants drawn on the treasury and paid.

### **County Assessor**

In addition to the general requirements, to serve as County Assessor a person:

- must be at least eighteen years of age; and
- must be a resident of the county.

In addition to performing other duties prescribed by law or dictated by custom, the person in this office is responsible for the tax-related valuation of all county property, with certain exceptions, and prepares a periodic property tax schedule.

### **County Sheriff**

In addition to the general requirements, to serve as County Sheriff a person:

- must be at least eighteen years of age;
- must be a resident of the county.

In addition to performing other duties prescribed by law or dictated by custom, the person in this office enforces the provisions of all county ordinances; aids in the arrest and detention of escaped prisoners; and serves and executes all process, writs, and orders directed to him or her by magistrate judges and certain others directed by municipal judges.

### **Probate Judge**

In addition to the general requirements, to serve as Probate Judge a person:

- must be at least eighteen years of age; and
- must be a resident of the county.

In addition to performing other duties prescribed by law or dictated by custom, the person in this office may take acknowledgement of any instrument of writing and may issue process and make rules to discharge the duties and business of his or her office. (N.M. Const. Art. VI, and Sec. 23; Section 4-41-1, 34-7-2 NMSA 1978). (See also N.M. Const. Art. VII, Sec. 2A)

### **Magistrate Judge**

In addition to the general requirements, to serve as Magistrate Judge a person:

- must be at least eighteen years of age;
- must reside in the district from which elected;
- must have graduated from high school or have attained the equivalent of a high school education as indicated by possession of a certificate of equivalence issued by the state department of public education based upon the record made on the general educational development test;

•in magistrate districts with a population of more than 200,000 persons in the last federal decennial census, must be a member of the New Mexico Bar licensed to practice law in this state but shall not engage in the private practice of law during tenure in office. (N.M. Const. Art. VI, Sec. 1 and 26 establish the office of magistrate judge and authorize the legislature to set qualifications of office. See also §35-2-1 NMSA 1978 and N.M. Const. Art. VII, Sec. 2A)

## MANNER OF FILING THE DECLARATION OF CANDIDACY

Each declaration of candidacy, by nominating petition or by preprimary convention designation, or declaration of candidacy by nomination for candidates who seek but fail to receive pre-primary convention designation - shall be delivered for filing **in person by the candidate therein named or by a person acting, by virtue of written authorization, solely on the candidate's behalf.** The proper filing officer shall not accept for filing more than one declaration of candidacy from any one individual. (1-8-27 NMSA 1978)

### WHERE DO I FILE?

#### LOCATIONS WHERE CANDIDATES MUST FILE FOR OFFICE

##### **SECRETARY OF STATE**

The Secretary of State is the “proper filing officer” for the following offices:

**President of the United States**  
**U.S. Senator**  
**U.S. Representative**  
**Justice of the Supreme Court**  
**Judge of the Court of Appeals**  
**State Senator: (Multi-County Districts only)**  
**State Representative: (Multi-County Districts Only)**  
**Public Regulation Commission**  
**District Judge**  
**District Attorney**  
**Public Education Commission**

##### **COUNTY CLERK**

The appropriate County Clerk is the “proper filing officer” for the following offices:

**State Senator in those districts wholly within one county**  
**State Representative in those districts wholly within one county**  
**County Commissioner**  
**County Councilor**  
**County Clerk**  
**County Treasurer**  
**County Assessor**  
**County Sheriff**  
**Probate Judge**  
**Metropolitan Court Judge**  
**Magistrate Judge**

# NEW MEXICO COUNTY CLERKS

## Bernalillo

Maggie Toulouse-Oliver (D)  
One Civic Plaza, NW, 6<sup>TH</sup>  
Floor  
Albuquerque, NM 87102  
(505) 468-1290  
[clerk@bernco.gov](mailto:clerk@bernco.gov)

## Catron

Sharon Armijo (D)  
Catron County Courthouse  
Box 197  
Reserve, NM 87830  
(575) 533-6400  
[cclerk2@gilanet.com](mailto:cclerk2@gilanet.com)

## Chaves

Rhoda C. Coakley (R)  
Box 580  
Roswell, NM 88202  
(575) 624-6614  
[coclerk@co.chaves.nm.us](mailto:coclerk@co.chaves.nm.us)

## Cibola

Elisa Bro (D)  
Box 190  
Grants, NM 87020  
(505) 285-2535  
[elisa.bro@co.cibola.nm.us](mailto:elisa.bro@co.cibola.nm.us)

## Colfax

Rayetta M. Ledoux Trujillo (D)  
Box 159  
Raton, NM 87740  
(575) 445-5551  
[clerk@co.colfax.nm.us](mailto:clerk@co.colfax.nm.us)

## Curry

Coni Jo Lyman (R)  
P.O Box 1168  
Clovis, NM 88102  
(575) 763-5591  
[clyman@currycounty.org](mailto:clyman@currycounty.org)

## De Baca

Laurie A. Pettigrew (R)  
Box 347  
Fort Sumner, NM 88119  
(575) 355-2601  
[dbclp@plateautel.net](mailto:dbclp@plateautel.net)

## Doña Ana

Lynn J. Ellins (D)  
Doña Ana County Government  
Center  
845 N. Motel Blvd.  
Las Cruces, NM 88007  
(575) 525-6134  
[lynnje@donaanacounty.org](mailto:lynnje@donaanacounty.org)

## Eddy

Darlene Rosprim (D)  
325 S. Main Street  
Carlsbad, NM 88220  
(575) 885-3383  
[darlene@co.eddy.nm.us](mailto:darlene@co.eddy.nm.us)

## Grant

Robert Zamarripa (D)  
Box 898  
Silver City, NM 88062  
(575) 574-0042  
[grantzamarri@cybermesa.com](mailto:grantzamarri@cybermesa.com)

## Guadalupe

Adam J. Gallegos (D)  
1448 Historic Route 66  
Suite 1  
Santa Rosa, NM 88435  
(575) 472-3791  
[agallegos@guadco-nm.us](mailto:agallegos@guadco-nm.us)

## Harding

Marie J. Atencio (D)  
35 Pine Street  
Mosquero, NM 87733  
(575) 673-2301  
[hardingcc@plateautel.net](mailto:hardingcc@plateautel.net)

## Hidalgo

Carmen Acosta (D)  
Hidalgo County Courthouse  
300 S. Shakespeare St.  
 Lordsburg, NM 88045  
(575) 542-9213  
[hidclrk@aznexus.net](mailto:hidclrk@aznexus.net)

## Lea

Pat Snipes Chappelle (R)  
Box 1507  
Lovington, NM 88260  
(575) 396-8623  
[pchappelle@leacounty.net](mailto:pchappelle@leacounty.net)

## Lincoln

Rhonda Burrows (R)  
Box 338  
Carrizozo, NM 88301  
(575) 648-2394 ext. 6  
[rburrows@lincolncountynm.net](mailto:rburrows@lincolncountynm.net)

## Los Alamos

Janet Foster (R)  
2451 Central Avenue, Suite D  
Los Alamos, NM 87544  
505-662-8010  
[clerks@lacnm.us](mailto:clerks@lacnm.us)

## Luna

Karen P. Smyer (D)  
Box 1838

Deming, NM 88031  
(575) 546-0491  
[karen\\_smyer@lunacountynm.us](mailto:karen_smyer@lunacountynm.us)

## McKinley

Jacqueline C. Sloan (D)  
Box 1268  
Gallup, NM 87305  
(505) 863-6866  
[jsloan@co.mckinley.nm.us](mailto:jsloan@co.mckinley.nm.us)

## Mora

JoAnne Elaine Padilla-Salas (D)  
Box 360  
Mora, NM 87732  
(575) 387-2448  
[mora\\_clerk@yahoo.com](mailto:mora_clerk@yahoo.com)

## Otero

Robyn M. Holmes (R)  
1104 N. White Sands Blvd., Suite C  
Alamogordo, NM 88310  
(575) 437-4942  
[rholmes@co.otero.nm.us](mailto:rholmes@co.otero.nm.us)

## Quay

Ellen L. White (D)  
Box 1225  
Tucumcari, NM 88401  
(575) 461-0510  
[ellen.white@quaycounty-nm.gov](mailto:ellen.white@quaycounty-nm.gov)

## Rio Arriba

Moises A. Morales (D)  
1122 Industrial Park Rd.  
Española, NM 87532  
(505) 753-1780  
[mamorales@rio-arriba.org](mailto:mamorales@rio-arriba.org)

## Roosevelt

E. Janet Collins (D)  
Roosevelt County Courthouse,  
Rm. 106  
Portales, NM 88130  
(575)-356-8562  
[jcollins@rooseveltcountry.com](mailto:jcollins@rooseveltcountry.com)

## San Juan

Debbie A. Holmes (R)  
Box 550  
Aztec, NM 87410  
(505) 334-9471  
[dholmes@sjcounty.net](mailto:dholmes@sjcounty.net)

## San Miguel

Melanie Y. Rivera (D)  
San Miguel County Courthouse  
500 West National Ave. Suite 113  
Las Vegas, NM 87701  
(505) 425-9331

[mriviera@smcounty.net](mailto:mriviera@smcounty.net)

## Sandoval

Sally G. Padilla (D)  
Box 40  
Bernalillo, NM 87004  
(505) 867-7572  
[spadilla@sandovalcountynm.gov](mailto:spadilla@sandovalcountynm.gov)

## Santa Fe

Valerie L. Espinoza (D)  
Box 1985  
Santa Fe, NM 87504  
(505) 986-6280  
[vespinoza@co.santa-fe.nm.us](mailto:vespinoza@co.santa-fe.nm.us)

## Sierra

Connie Greer (R)  
100 N. Date Street, Suite 6  
Truth or Consequences, NM  
87901  
(575) 894-2840  
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## Socorro

Rebecca E. Vega (D)  
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Socorro, NM 87801  
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## Taos

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105 Albright St., Suite D  
Taos, NM 87571  
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## Torrance

Linda R. Kayser (R)  
Box 767  
Estancia, NM 87016  
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## Union

Joyce Ann Sowers (D)  
Box 430  
Clayton, NM 88415  
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## Valencia

Sally Perea (D)  
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Los Lunas, NM 87031  
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# Procedures for Determining Candidate Ballot Positions

## **Primary Election**

**1. Preprimary Convention Candidates:** Candidates designated and certified by state convention for a statewide office or federal office shall be placed on the Primary Election ballot in the order of the vote received at the state convention. The candidate receiving the highest vote shall be placed first in order on the ballot, followed by the candidate receiving the next highest vote, and so on until all the candidates designated for that office have been placed on the ballot, provided that the names of two or more candidates receiving an equal number of votes for designation by convention for the same office shall be placed on the Primary ballot in the order determined by lot. Names of candidates for statewide office or federal office who do not receive preprimary convention designation but who are qualified candidates by declaration of candidacy shall be placed on the ballot as determined by lot following convention designated candidates. *(1-8-43 (A) NMSA 1978)*

**2. “Declaration of Candidacy” Candidates:** The names of candidates who are candidates by declaration of candidacy shall be arranged on the ballot as determined by lot. The determination by lot shall be made immediately following the closing time for filing declarations of candidacy, and all candidates or their agents shall be entitled to be present at such time. If a candidate cannot be present at the time the drawing for office takes place, the candidate can designate another to draw for him. If no one appears for the candidate, the proper filing officer will draw for the candidate’s ballot position. *(1-8-43(B) & 1-8-43 (C) NMSA 1978)*

## **General Election**

**1. Drawing for Party Position:** For the General Election, a drawing for party position by political parties takes place in the Office of the Secretary of State on the first Wednesday in September (September 5, 2012) *(1-10-8.1 NMSA 1978, & 1.10.6.8 NMAC)*. The major political parties draw first, followed by minor parties for the subsequent positions.

**2. Independent Candidates:** Unaffiliated or independent candidates follow political party candidates. In the event two or more independent candidates run for the same office, their names shall be located on the ballot in alphabetical order. *(1.10.6.8G NMAC)*

## Requirements and Instructions:

### NOMINATING PETITIONS

#### IMPORTANT NOTICE

**As of October 1, 2011, the date of publication of this Candidate Guide, redistricting plans for congressional districts, legislative offices, and public regulation commission have not been completed, and redistricting is in litigation. UNTIL DISTRICTS ARE DETERMINED, PETITIONS FILLED OUT AND SIGNED PRIOR TO THE DETERMINATION OF FINAL DISTRICTS MAY NOT BE VALID AND MAY BE SUBJECT TO CHALLENGE.**

**Which candidates are required to file nominating petitions:** Candidates for statewide office, U.S. Senator, U.S. Representative, legislative office, district judge, district attorney, state board of education, public regulation commission and magistrate judges must file nominating petitions. County candidates are not required to file nominating petitions for primary elections; however, independent candidates for county offices in the general election must file nominating petitions.

**Where to obtain authorized nominating petition:** Nominating petition forms are available at the Secretary of State's office in Santa Fe and in the Office of the County Clerk in each county. Persons must use a nominating petition form prescribed by the Secretary of State or use an exact reproduction of the form authorized for use by the Secretary of State. Petitions are also available online at <http://www.sos.state.nm.us>. (*Section 1-2-1(B) NMSA 1978, 1-8-30(E) NMSA 1978*)

**When nominating petitions can be circulated:** Nominating petitions may be circulated for signatures beginning October 1, 2011. (*1-8-30(D) NMSA 1978*) Nominating petitions for independent candidates may be circulated for signatures beginning March 1, 2012. (*1-8-50(E) NMSA 1978*)

**Filling in the information at the top of each petition page:** For clarity and accuracy, the general information and candidate information contained in the top one-third of the petition page should be completed in printed form or in black ballpoint pen.

**Misdemeanor offense for knowingly circulating petition without proper information filled in at the top:**

All general information and candidate information required in the top one-third of the page must be completely filled in prior to circulating. The following information shall be listed in the appropriate space at the top of the nominating petition before the petition has been signed by any voter: the party affiliation of voters signing the petition, the candidate's name, the candidate's address, the candidate's county of residence and the office sought by the candidate, which shall



include the district or division of the office sought, if applicable. Signatures on a page will not be counted by the filing office at the time the petition is filed if all general information and candidate information in the top one-third of each page has not been completely filled in prior to circulation.

Any person knowingly circulating a nominating petition page that does not clearly show the name of the candidate, the address at which the candidate resides, the candidate's county of residence, and the office for which the candidate seeks nomination is guilty of a misdemeanor under Section 1-8-32(B) NMSA 1978.

**Felony offense for knowingly altering the general or candidate information at the top of the petition page:** The general information and candidate information contained in the top one-third of the petition page cannot be altered, modified or otherwise changed after the petition page has started circulating. Any person knowingly altering any of the general information or candidate information contained in the top one-third of the petition page may be guilty of falsifying information on a nominating petition under *Sections 1-8-32(A) and 1-20-9(F) NMSA 1978*.

**Knowingly falsifying any information on a nominating petition is a fourth degree felony.**

In order to avoid creating an issue as to whether a particular petition page was improperly altered, it is recommended that persons filing a petition avoid the use of white-out, over-typing, strikeovers or visible erasure when filling out the top one-third of the petition page.

**Only original petition pages shall be filed; reproduced copies will not be accepted or counted:** At the time of filing the petition, the completed original of each petition page must be submitted to the filing officer. Reproduced copies of petition pages containing copies of the signatures and other information required of the registered voter are not permitted, and none of the signatures on that page shall be counted by the filing officer at the time the petition is filed.

**No additions or withdrawals of petition pages and signatures will be accepted after filing:** All petitions shall be submitted to the filing officer at one time. The filing officer shall not accept any additional pages after the candidate has first submitted the petition to the filing officer. The filing officer shall retain all pages submitted whether the petition or signatures on the petition are counted or not. (*1-8-34(A) NMSA 1978*)

## **IMPORTANT**

### **GROUND FOR WHICH PETITION AND SIGNATURES MAY BE REJECTED**

**Litigation may be filed to require rejection (*1-8-35 NMSA 1978*) of filed nominating petitions and signatures on various grounds, including but not limited to, proof that:**

- the voter signing was not of the same political party as the candidate named in the nominating petition ten days prior to the filing of the nominating petition; (*1-8-31(C)(1) NMSA 1978*)
- the voter signing failed to provide information required by the nominating petition (*1-8-31(C)(2) NMSA 1978*)
- a signature is not that of a registered voter; (*1-8-31(C) NMSA 1978*)
- a signature is not that of a voter in the area to be represented by the office for which the person filing the nominating petition seeks to be a candidate; (*1-8-31(C)(3) NMSA 1978*) ; and

- the person signing the petition has signed more than one petition for the same office where only one candidate is to be elected for such office (*if more than one candidate is to be elected to an office, the voter may sign only the number of nominating petitions equal to the number of candidates to be elected to that office (1-8-31(A)(C)(4) NMSA 1978)* and;

***Section 1-8-31 NMSA 1978***, to avoid risking disqualification through failure to file a sufficient number of qualifying signatures, the candidate should act carefully to obtain only qualified signatures.

The original nominating petition must be filed with the filing officer and shall remain in the filing officer's office. (*1-8-34(B) NMSA 1978*)

**It is recommended that the candidate obtain additional signatures.** As a precaution, the candidate may find it appropriate to obtain more signatures than are required by law, in the event one or more of the signatures are rejected by the filing officer or are subsequently rejected by the courts.

## REQUIRED NUMBER OF SIGNATURES

### **Compilation of Statutory Provisions - Major Party Provisions:**

**Basis for calculation of signature requirements:** "Total vote" means the sum of all votes cast for all of the party's candidates for Governor at the last preceding Primary Election at which the party's candidate for Governor was nominated. (*1-8-33(A) NMSA 1978*)

**Signature requirements for offices subject to preprimary convention designation:** Candidates who seek preprimary convention designation shall file a nominating petition at the time of filing a declaration of candidacy. The nominating petition for those candidates shall be signed by a number of voters equal to the greater of; **(1)** at least two percent (2%) of the total vote of the candidate's party in the state or congressional district, or for statewide offices, two hundred thirty voters (230); **(2)** for congressional candidates, seventy-seven (77) voters. (*1-8-33(B) NMSA 1978*)

**Collecting additional signatures only if candidate fails to achieve ballot status at preprimary convention:** A candidate who fails to receive the preprimary convention designation that the candidate sought may collect additional signatures to total at least four percent (4%) of the total vote of the candidate's party in the state or congressional district, whichever applies to the office the candidate seeks, and file a new declaration of candidacy and nominating petitions for the office for which the candidate failed to receive a preprimary designation. The declaration of candidacy and nominating petitions shall be filed with the secretary of state either **ten (10) days** following the date of the preprimary convention at which the candidate failed to receive the designation or on the date all declarations of candidacy and additional nominating petitions are due pursuant to the provisions of the Primary Election Law, whichever is later. (*1-8-33 NMSA 1978*)

**IMPORTANT NOTE:** The dates of the preprimary conventions are determined by each political party and are not available for publishing at this time. The filing date given in this guide is the last possible filing day provided by law to file the additional signatures.

The actual filing date is **ten (10) days** following the date of the preprimary convention for your respective party.

**Signature requirement for offices not subject to preprimary convention designation:**

Nominating petitions for candidates for any other office to be voted on at the Primary Election for which a nominating petition is required shall be signed by a number of voters equal to the greater of: **(1)** at least three percent (3%) of the total vote of the candidate's party in the district or division, or **(2)** for metropolitan court, ten (10) voters; for the Public Regulation Commission, fifty (50) voters; for the Public Education Commission, twenty-five (25) voters; for State Representative, ten (10) voters; for State Senator, seventeen (17) voters; for District Attorney fifteen (15) voters and for District Judge, fifteen (15) voters. *(1-8-33(C) NMSA 1978)*

**Time for appeals of validity of a nominating petition:** Any voter filing any court action challenging a nominating petition provided for in the Primary Election Law *(1-8-35(A) NMSA 1978)* shall do so within ten (10) days after the date of filing the declaration of candidacy with which the nominating petition was filed.

**Within ten (10) days after the filing of an action, the district court shall hear and render a decision on the matter. The decision shall be appealable only to the supreme court and notice of appeal shall be filed within five days after the decision of the district court. The supreme court shall hear and render a decision on the appeal forthwith. *(1-8-35(A) NMSA 1978)***

### **Provisions for Qualifying as a New (Minor) Party**

**Number of signatures needed to qualify as a political party:** To qualify as a political party in New Mexico each political party shall file rules providing for the organization and government of that party, and a petition containing the hand-printed names, signatures, addresses of registration and counties of residence of at least one-half of one percent of the total votes cast for the office of governor at the preceding General Election. *(1-7-2 NMSA 1978)*

### **Provisions for Nominations by a Minor Political Party**

**A. If the rules of a minor political party require nominating by convention:**

1. the chair and secretary of the state political convention shall certify to the secretary of state the names of their party's nominees for United States senator, United States representative, all elective state offices, legislative offices elected from multicounty districts, the public regulation commission, all elective judicial officers in the judicial department and all offices representing a district composed of more than one county; and
2. the chair and secretary of the county political convention shall certify to the county clerk the names of their party's nominees for elected county offices and for legislative offices elected from a district located wholly within one county or that is composed of only one county.

**B.** The names certified to the secretary of state shall be filed on the twenty-first day following the primary election and shall be accompanied by a petition containing a list of

signatures and addresses of voters totaling not less than one percent of the total number of votes cast at the last general election for the office for the office of governor or president of the United States, as the case may be;

1. in the state for statewide offices and
  2. in the district for offices other than statewide offices.
- C. The names certified to the county clerk shall be filed on the twenty-first day following the primary election and shall be accompanied by a petition containing a list of signatures and addresses of voters totaling not less than one percent of the total number of votes cast at the last general election for governor or president of the United States.
1. in the county for countywide offices;
  2. and in the district for non-countywide offices.

The petition shall contain a statement that the voters signing the petition are residents of the state, district, county or area to be represented by the office for which the person being nominated is a candidate.

- D. Persons certified as nominees shall be members of that party before the date the governor issues the primary election proclamation.
- E. No voter shall sign a petition prescribed by this section for more persons than the number of minor party candidates necessary to fill the office at the next ensuing general election.

If the rules and regulations of the minor party require nomination by a method other than a political convention, then the state chairman and governing board of the state party, or the county chairman and the governing board of the county party, as the case may be, will follow the same procedures set out above. *(1-8-2 NMSA 1978)*

## **INDEPENDENT CANDIDATE PROVISIONS**

### **Number of signatures needed by an independent party candidate:**

#### **Independent candidates for general or United States representative special elections; nominating petitions; required number of signatures.**

- A. The basis of percentage for the total number of votes cast in each instance referred to in this section shall be the total vote cast for governor at the last preceding general election at which a governor was elected.
- B. Nominating petitions for an independent candidate for president of the United States shall be signed by a number of voters equal to at least three percent of the total number of votes cast in the state.
- C. Nominating petitions for an independent candidate for United States senator or any other statewide elective office shall be signed by a number of voters equal to at least three percent of the total number of votes cast in the state.
- D. Nominating petitions for an independent candidate for United States representative shall be signed by a number of voters equal to at least three percent of the total number of votes cast in the district.

E. Nominating petitions for an independent candidate for a member of the legislature, public regulation commission, district judge, district attorney, member of the state board of education, magistrate or county office shall be signed by a number of voters equal to at least three percent of the total number of votes cast in the district, division or county, as the case may be.

F. A voter shall not sign a petition for an independent candidate as provided in this section if he has signed a petition for another independent candidate for the same office. *(1-8-51 NMSA 1978)*

Required Number of Signatures for NEW PARTIES, FEDERAL, STATEWIDE OFFICES & PUBLIC REGULATION COMMISSION			
Key to Abbreviations: P = ONLY voters registered in candidate's party      V = Any registered voter			
<b>New (Minor) Political Party (1-7-2 NMSA 1978)</b> To qualify for general election ballot status as a new (minor) political party: <b>3,014    V</b>			
<b>Candidates for Statewide Office</b> <b>Statewide Offices on the 2012 Election Ballot are: President of the United States, United States Senator</b> <b>United States Representative and Judge of the Court of Appeals</b>			
<u><b>DEMOCRAT</b></u> <b>Primary Election</b> (2% threshold) <b>2186 P</b> (4% threshold) <b>4,373 P</b>	<u><b>REPUBLICAN</b></u> <b>Primary Election</b> (2% threshold) <b>2,445 P</b> (4% threshold) <b>4,891 P</b>	<u><b>INDEPENDENT</b></u> <b>General Election</b> <b>18,084 V</b>	<u><b>MINOR</b></u> <b>General Election</b> <b>6,028 V</b>
<b>Candidate for U.S. Representative (District 1)</b> <b>DISTRICT 1</b> is composed of Torrance County and certain precincts of Bernalillo, Sandoval, Santa Fe and Valencia Counties-			
<u><b>DEMOCRAT</b></u> <b>Primary Election</b> (2% threshold) <b>681 P</b> (4% threshold) <b>1362 P</b>	<u><b>REPUBLICAN</b></u> <b>Primary Election</b> (2% threshold) <b>789 P</b> (4% threshold) <b>1579 P</b>	<u><b>INDEPENDENT</b></u> <b>General Election</b> <b>3255 V</b>	<u><b>MINOR</b></u> <b>General Election</b> <b>1085 V</b>
<b>Candidate for U.S. Representative (District 2)</b> <b>DISTRICT 2</b> is composed of Catron, Cibola, Chaves, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Hidalgo, Lea, Lincoln, Luna, Otero, Sierra, and Socorro Counties and certain precincts of Bernalillo, McKinley, and Valencia Counties.			
<u><b>DEMOCRAT</b></u> <b>Primary Election</b> (2% threshold) <b>562 P</b> (4% threshold) <b>1124 P</b>	<u><b>REPUBLICAN</b></u> <b>Primary Election</b> (2% threshold) <b>799 P</b> (4% threshold) <b>1598 P</b>	<u><b>INDEPENDENT</b></u> <b>General Election</b> <b>5181 V</b>	<u><b>MINOR</b></u> <b>General Election</b> <b>1727 V</b>
<b>Candidate for U.S. Representative (District 3)</b> <b>DISTRICT 3</b> is composed of Colfax, Curry, Harding, Los Alamos, Mora, Quay, Rio Arriba, Roosevelt, San Juan, San Miguel, Taos and Union Counties and certain precincts of Bernalillo, McKinley, Sandoval, and Santa Fe Counties.			
<u><b>DEMOCRAT</b></u> <b>Primary Election</b> (2% threshold) <b>922 P</b> (4% threshold) <b>1844 P</b>	<u><b>REPUBLICAN</b></u> <b>Primary Election</b> (2% threshold) <b>679 P</b> (4% threshold) <b>1358 P</b>	<u><b>INDEPENDENT</b></u> <b>General Election</b> <b>5595 V</b>	<u><b>MINOR</b></u> <b>General Election</b> <b>1865 V</b>
<b>Candidate for Public Regulation Commission (District 1)</b> <b>DISTRICT 1 – Bernalillo County</b>			
<u><b>DEMOCRAT</b></u> <b>Primary Election</b> <b>646 P</b>	<u><b>REPUBLICAN</b></u> <b>Primary Election</b> <b>941 P</b>	<u><b>INDEPENDENT</b></u> <b>General Election</b> <b>4192 V</b>	<u><b>MINOR</b></u> <b>General Election</b> <b>1397 V</b>

### Candidate for Public Regulation Commission (District 3)

**DISTRICT 3** is composed of Bernalillo, Colfax, De Baca, Guadalupe, Harding, Los Alamos, Mora, Rio Rancho, San Miguel, Sandoval, Santa Fe, Taos and Union Counties.

<u><b>DEMOCRAT</b></u> Primary Election 1095 P	<u><b>REPUBLICAN</b></u> Primary Election 697 P	<u><b>INDEPENDENT</b></u> General Election 4598 V	<u><b>MINOR</b></u> General Election 1532 V
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### Required Number of Signatures for PUBLIC EDUCATION COMMISSION

Key to Abbreviations: P = ONLY voters registered in candidate's party      V = Any registered voter

### Candidate for Public Education Commission (District 1)

**DISTRICT 1** is composed of certain precincts of Bernalillo and Sandoval Counties

<u><b>DEMOCRAT</b></u> Primary Election 329 P	<u><b>REPUBLICAN</b></u> Primary Election 346 P	<u><b>INDEPENDENT</b></u> General Election 1987 V	<u><b>MINOR</b></u> General Election 662 V
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### Candidate for Public Education Commission (District 3)

**DISTRICT 3** is composed of certain precincts of Bernalillo County

<u><b>DEMOCRAT</b></u> Primary Election 350 P	<u><b>REPUBLICAN</b></u> Primary Election 299 P	<u><b>INDEPENDENT</b></u> General Election 1832 V	<u><b>MINOR</b></u> General Election 611 V
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### Candidate for Public Education Commission (District 4)

**DISTRICT 4** is composed of certain precincts of Santa Fe and Sandoval Counties.

<u><b>DEMOCRAT</b></u> Primary Election 438 P	<u><b>REPUBLICAN</b></u> Primary Election 271 P	<u><b>INDEPENDENT</b></u> General Election 2167 V	<u><b>MINOR</b></u> General Election 722 V
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### Candidate for Public Education Commission (District 5)

**DISTRICT 5** is composed of certain precincts in Sandoval and San Juan counties and all precincts in McKinley County.

<u><b>DEMOCRAT</b></u> Primary Election 276 P	<u><b>REPUBLICAN</b></u> Primary Election 287 P	<u><b>INDEPENDENT</b></u> General Election 1443 V	<u><b>MINOR</b></u> General Election 481 V
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### Candidate for Public Education Commission (District 8)

**DISTRICT 8** is composed of certain precincts in Chaves, Otero and Santa Fe counties and all precincts in De Baca, Guadalupe, Lincoln, Sierra and Torrance Counties

<u><b>DEMOCRAT</b></u> Primary Election 177 P	<u><b>REPUBLICAN</b></u> Primary Election 531 P	<u><b>INDEPENDENT</b></u> General Election 1631 V	<u><b>MINOR</b></u> General Election 544 V
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### Candidate for Public Education Commission (District 9)

**DISTRICT 9** is composed of certain precincts in Chaves county and all precincts in Curry, Eddy, Lea, Quay and Roosevelt Counties

<u><b>DEMOCRAT</b></u> Primary Election 156 P	<u><b>REPUBLICAN</b></u> Primary Election 382 P	<u><b>INDEPENDENT</b></u> General Election 1354 V	<u><b>MINOR</b></u> General Election 451 V
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### Candidate for Public Education Commission (District 10)

**DISTRICT 10** is composed of certain precincts in Guadalupe, San Juan, Sandoval, Santa Fe and all precincts in Colfax, Harding, Los Alamos, Mora, Rio Arriba, San Miguel, Taos and Union Counties

<u><b>DEMOCRAT</b></u> Primary Election 651 P	<u><b>REPUBLICAN</b></u> Primary Election 365 P	<u><b>INDEPENDENT</b></u> General Election 1968 V	<u><b>MINOR</b></u> General Election 656 V
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Required Number of Signatures for DISTRICT JUDGES					
JUDICIAL DISTRICT	COUNTY	<u>DEMOCRAT</u> Primary Election	<u>REPUBLICAN</u> Primary Election	<u>INDEPENDENT</u> General Election	<u>MINOR</u> General Election
2 <sup>nd</sup>	Bernalillo County Division XIX & XXI	828 P	1280 P	6066 V	2022 V
3 <sup>rd</sup>	Dona Ana County Division II, III & IV	167 P	228 P	1437 V	479 V
5 <sup>th</sup>	Chaves, Eddy & Lea Counties Division IX	135 P	134 P	1312 V	437 V
6 <sup>th</sup>	Grant, Hidalgo & Luna Counties Division II	176 P	99 P	553 V	184 V
8 <sup>th</sup>	Colfax, Taos & Union Counties Division II & III	151 P	68 P	547 V	182 V
9 <sup>th</sup>	Curry & Roosevelt Counties Division IV	43 P	136 P	432 V	144 V

Required Number of Signatures for DISTRICT ATTORNEY (All 13 districts)					
JUDICIAL DISTRICT	COUNTY	<u>DEMOCRAT</u> Primary Election	<u>REPUBLICAN</u> Primary Election	<u>INDEPENDENT</u> General Election	<u>MINOR</u> General Election
1 <sup>st</sup>	Los Alamos, Rio Arriba & Santa Fe Counties	624 P	149 P	1703 V	567 V
2 <sup>nd</sup>	Bernalillo County	828 P	1280 P	6066 V	2022 V
3 <sup>rd</sup>	Dona Ana County	167 P	228 P	1437 V	479 V
4 <sup>th</sup>	Guadalupe, Mora & San Miguel Counties	202 P	54 P	381 V	127 V
5 <sup>th</sup>	Chaves, Eddy & Lea Counties	135 P	384 P	1312 V	437 V
6 <sup>th</sup>	Grant, Hidalgo & Luna Counties	176 P	99 P	553 V	184 V
7 <sup>th</sup>	Catron, Sierra, Socorro & Torrance Counties	93 P	51 P	545 V	182 V
8 <sup>th</sup>	Colfax, Taos & Union Counties	151 P	68 P	547 V	182 V
9 <sup>th</sup>	Curry & Roosevelt Counties	43 P	136 P	432 V	144 V



Required Number of Signatures for DISTRICT ATTORNEY (All 13 districts)					
JUDICIAL DISTRICT	COUNTY	<u>DEMOCRAT</u> Primary Election	<u>REPUBLICAN</u> Primary Election	<u>INDEPENDENT</u> General Election	<u>MINOR</u> General Election
<b>10<sup>th</sup></b>	De Baca, Harding & Quay Counties	30 P	34 P	133 V	44 V
<b>11<sup>th</sup></b>	San Juan County Division I	109 P	301 P	983 V	328 V
<b>11<sup>th</sup></b>	McKinley County Division II	165 P	42 P	506 V	169 V
<b>12<sup>th</sup></b>	Lincoln & Otero Counties	53 P	164 P	703 V	234 V
<b>13<sup>th</sup></b>	Cibola, Sandoval & Valencia Counties	379 P	423 P	1887 V	629 V

Required Number of Signatures for MAGISTRATE JUDGE					
DIVISION	COUNTY	<u>DEMOCRAT</u>	<u>REPUBLICAN</u>	<u>INDEPENDENT</u>	<u>MINOR</u>
III	Dona Ana	167 P	228 P	1437 V	479 V
IV	Lea	10 P	36 P	101 V	34 V
IV	San Juan	26 P	27 P	158 V	53 V
II	Taos	93 P	27 P	357 V	119 V

**Required Number of Signatures for  
STATE SENATE DISTRICTS**

**Key to Abbreviations: P = ONLY voters registered in candidate's party      V = Any registered voter**

<b>SENATE DISTRICT</b>	<b>COUNTY</b>	<b><u>DEMOCRAT</u> Primary Election</b>	<b><u>REPUBLICAN</u> Primary Election</b>	<b><u>INDEPENDENT</u> General Election</b>	<b><u>MINOR</u> General Election</b>
1	San Juan	30 P	86P	99 V	33 V
2	San Juan	29 P	144 P	87 V	29 V
3	McKinley & San Juan	90 P	27 P	209 V	69 V
4	Cibola & McKinley & San Juan	94 P	32 P	187 V	62 V
5	Los Alamos, Rio Arriba, Sandoval & Santa Fe	182 P	42 P	253 V	84 V
6	Los Alamos, Rio Arriba, Santa Fe & Taos	138 P	51 P	330 V	110 V
7	Curry, Quay, & Union	97 P	118 P	53 V	17 V
8	Colfax, Guadalupe, Harding, Mora, & Quay	151 P	76 P	190 V	63 V
9	Bernalillo & Sandoval	53 P	104 P	212 V	71 V
10	Bernalillo & Sandoval	80 P	147 P	257 V	86 V
11	Bernalillo	64 P	44 P	195 V	65 V
12	Bernalillo	73 P	32 P	228 V	76 V
13	Bernalillo	118 P	84 P	300 V	100 V
14	Bernalillo	58 P	49 P	167 V	56 V
15	Bernalillo	75 P	121 P	231 V	77 V
16	Bernalillo	93 P	51 P	314 V	104 V
17	Bernalillo	39 P	44 P	134 V	45 V
18	Bernalillo	63 P	129 P	210 V	70 V
19	Bernalillo, Sandoval, Santa Fe & Tarrant	55 P	164 P	210 V	70 V
20	Bernalillo	57 P	136 P	196 V	65 V
21	Bernalillo	74 P	196 P	211 V	70 V
22	Bernalillo, McKinley, Rio Arriba, San Juan & Sandoval	96 P	45 P	233 V	78 V
23	Bernalillo	73 P	163 P	284 V	95 V
24	Santa Fe	116 P	29 P	292 V	97 V
25	Santa Fe	184 P	57 P	526 V	175 V
26	Bernalillo	75 P	57 P	208 V	69 V
27	Chaves, Curry, De Baca, Lea & Roosevelt	10 P	30 P	80 V	27 V
28	Catron, Grant & Socorro	150 P	96 P	223 V	74 V
29	Bernalillo & Valencia	111 P	96 P	186 V	62 V
30	Cibola, McKinley, Socorro & Valencia	100 P	66 P	166 V	55 V
31	Dona Ana	14 P	19 P	98 V	33 V
32	Chaves, Eddy, & Otero	25 P	62 P	95 V	32 V
33	Chaves, Lincoln & Otero	34 P	170 P	119 V	40 V
34	Dona Ana, Eddy & Otero	52 P	123 P	40 V	13 V
35	Dona Ana, Hidalgo, Luna & Sierra	72 P	78 P	133 V	44 V
36	Dona Ana	39 P	46 P	118 V	39 V
37	Dona Ana	56 P	115 P	252 V	84 V
38	Dona Ana	44 P	44 P	170 V	57 V

**Required Number of Signatures for  
STATE SENATE DISTRICTS**

**Key to Abbreviations: P = ONLY voters registered in candidate's party      V = Any registered voter**

<b>SENATE DISTRICT</b>	<b>COUNTY</b>	<b><u>DEMOCRAT</u> Primary Election</b>	<b><u>REPUBLICAN</u> Primary Election</b>	<b><u>INDEPENDENT</u> General Election</b>	<b><u>MINOR</u> General Election</b>
39	Bernalillo, Lincoln, San Miguel, Santa Fe, Torrance & Valencia	157 P	68 P	146 V	49 V
40	Sandoval	37 P	106 P	98 V	33 V
41	Eddy & Lea	37 P	57 P	103 V	34 V
42	Chaves, Eddy, & Lea	28 P	127 P	78 V	26 V

**STATE SENATE DISTRICT**

Single County Districts file at the County Clerk's Office.  
Multi County Districts file at the Office of the Secretary of State

**Required Number of Signatures for  
STATE HOUSE OF REPRESENTATIVES**

**Key to Abbreviations: P = ONLY voters registered in candidate's party      V = Any registered voter**

<b>HOUSE DISTRICT</b>	<b>COUNTY</b>	<b><u>DEMOCRAT</u> Primary Election</b>	<b><u>REPUBLICAN</u> Primary Election</b>	<b><u>INDEPENDENT</u> General Election</b>	<b><u>MINOR</u> General Election</b>
1	San Juan	20P	101P	294 V	98 V
2	San Juan	13P	64P	222 V	74 V
3	San Juan	17P	86P	255 V	85 V
4	San Juan	38P	37P	189 V	63 V
5	McKinley & San Juan	74P	20P	204 V	68 V
6	Cibola & McKinley	62P	22P	197 V	66 V
7	Valencia	55P	60P	265 V	88 V
8	Valencia	66P	55P	259 V	86 V
9	McKinley & San Juan	57P	16P	167 V	56 V
10	Bernalillo	31P	26P	178 V	59 V
11	Bernalillo	65P	25P	251 V	84 V
12	Bernalillo	40P	27P	207 V	69 V
13	Bernalillo	45P	24P	227 V	75 V
14	Bernalillo	46P	17P	182 V	61 V
15	Bernalillo	49P	78P	338 V	113 V
16	Bernalillo	50P	44P	263 V	88 V
17	Bernalillo	76P	55P	332 V	111 V
18	Bernalillo	55P	21P	252 V	84 V
19	Bernalillo	41P	24P	206 V	69 V
20	Bernalillo	37P	99P	352 V	95 V
21	Bernalillo	27P	37P	183 V	58 V
22	Bernalillo, Sandoval & Santa Fe	43P	121P	398 V	71 V
23	Bernalillo & Sandoval	50P	85P	368 V	123 V
24	Bernalillo	40P	80P	307 V	102 V
25	Bernalillo	55P	44P	269 V	90 V
26	Bernalillo	24P	25P	148 V	49 V
27	Bernalillo	37P	128P	413 V	138 V
28	Bernalillo	37P	89P	316 V	105 V
29	Bernalillo	50P	110P	490 V	163 V
30	Bernalillo	40P	80P	296 V	99 V
31	Bernalillo	42P	121P	406 V	135 V
32	Dona Ana & Luna	39P	38P	183 V	61 V
33	Dona Ana	31P	34P	216 V	72 V
34	Dona Ana	12P	12P	123 V	41 V
35	Dona Ana	21P	18P	160 V	53 V
36	Dona Ana	42P	35P	235 V	78 V
37	Dona Ana	70P	38P	360 V	120 V
38	Grant & Sierra	61P	70P	277 V	92 V
39	Grant, Hidalgo & Luna	94P	33P	225 V	75 V
40	Colfax, Mora & Rio Arriba	106P	16P	231 V	77 V
41	Rio Arriba & Taos	103P	21P	230 V	77 V

**Required Number of Signatures for  
STATE HOUSE OF REPRESENTATIVES**

**Key to Abbreviations: P = ONLY voters registered in candidate's party      V = Any registered voter**

<b>HOUSE DISTRICT</b>	<b>COUNTY</b>	<b><u>DEMOCRAT</u> Primary Election</b>	<b><u>REPUBLICAN</u> Primary Election</b>	<b><u>INDEPENDENT</u> General Election</b>	<b><u>MINOR</u> General Election</b>
42	Taos	73P	22P	303 V	101 V
43	Los Alamos, Rio Arriba, Sandoval & Santa Fe	59P	68P	328 V	106 V
44	Sandoval	39P	107P	487 V	162 V
45	Santa Fe	63P	19P	232 V	77 V
46	Santa Fe	101P	30P	341 V	114 V
47	Santa Fe	108P	40P	453 V	151 V
48	Santa Fe	90P	18P	306 V	102 V
49	Catron, Socorro & Valencia	61P	78P	326 V	109 V
50	Bernalillo, Santa Fe, Torrance & Valencia	56P	67P	308 V	103 V
51	Otero	18P	48P	148 V	49 V
52	Dona Ana	21P	32P	188 V	63 V
53	Dona Ana & Otero	15P	44P	215 V	72 V
54	Chaves, Eddy & Otero	20P	33P	163 V	54 V
55	Eddy	37P	42P	230 V	77 V
56	Lincoln & Otero	23P	78P	229 V	76 V
57	Sandoval	25P	120P	310 V	103 V
58	Chaves	14P	32P	140 V	47 V
59	Chaves & Lincoln	20P	78P	225 V	75 V
60	Sandoval	22P	72P	518 V	173 V
61	Lea	14P	33P	128 V	43 V
62	Lea	18P	92P	233 V	78 V
63	De Baca, Guadalupe, Harding, Quay, San Miguel & Union	52P	29P	147 V	49 V
64	Curry	18P	69P	201 V	67 V
65	Rio Arriba, San Juan & Sandoval	59P	14P	188 V	63 V
66	Chaves, Lea & Roosevelt	18P	68P	214 V	71 V
67	Curry & Roosevelt	39P	67P	232 V	77 V
68	Bernalillo	116P	45P	271 V	90 V
69	Bernalillo, Cibola, McKinley, San Juan, Socorro & Valencia	63P	20P	201 V	67 V
70	San Miguel & Torrance	105P	22P	224 V	75 V

**STATE HOUSE OF REPRESENTATIVES**

**Single County Districts file at the County Clerk's Office.**

**Multi County Districts file at the Office of the Secretary of State.**

## 2012 NOMINATING PETITION

I, the undersigned, a registered voter of New Mexico, and a member of the \_\_\_\_\_ party, hereby nominate \_\_\_\_\_, who resides at \_\_\_\_\_ in the county of \_\_\_\_\_, New Mexico, for the party nomination for the office of \_\_\_\_\_, to be voted for at the primary election to be held on \_\_\_\_\_, and I declare that I am a registered voter of the state, district, county or area to be represented by the office for which the person being nominated is a candidate. I also declare that I have not signed, and will not sign, any nominating petition for more persons than the number of candidates necessary to fill such office at the next ensuing general election.

1.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
2.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
3.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
4.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
5.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
6.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
7.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
8.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
9.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
10.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
11.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
12.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
13.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
14.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
15.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
16.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
17.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
18.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
19.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code)
20.	_____ (usual signature)	_____ (name printed as registered)	_____ (address as registered)	_____ (city or zip code.)

## **FILING FEES**

**A Candidate for county office is not required to file a nominating petition:** A candidate for a county office shall have his/her name placed on the primary election ballot by filing with the proper filing officer (**County Clerk's Office**) a declaration of candidacy accompanied by the appropriate filing fee or a pauper's statement. *(1-8-21(B) NMSA 1978)*

### **Primary Election Law; filing fee.**

The filing fee in the primary election for any county office shall be fifty dollars (\$50.00), which shall be paid at the time of the filing of the declaration of candidacy for nomination by a political party. *(1-8-41 NMSA 1978)*

### **Pauper's Statement in Lieu of Filing Fee:**

In the event any candidate is unable to pay the filing fee prescribed by the Primary Election Law, he may file a statement with the proper filing officer at the time he files his declaration of candidacy to the effect that he is without financial means to pay such filing fee. The statement shall be sworn and subscribed to on the form prescribed by the secretary of state and furnished to each county clerk and shall be attached by the proper filing officer to the declaration of candidacy.

## **PLEASE TAKE NOTE:**

### **PRINTING AND DISTRIBUTING SAMPLE AND OTHER BALLOTS**

*Section 1-20-9(B) NMSA 1978* prohibits printing, causing to be printed, distribution or display of any official ballot, sample ballot, facsimile diagram, ballot label or pretended ballot which includes the name of any person not entitled by law to be on the ballot, or omits the name of any person entitled by law to be on the ballot, or otherwise contains false or misleading information or headings. **The Falsification of Election Documents is a Fourth Degree Felony.** *(1-20-9 NMSA 1978)*

**SAMPLE**  
**AFFIDAVIT - PAUPER'S STATEMENT**  
**IN LIEU OF FILING FEE**  
**2012**

I, \_\_\_\_\_, a candidate for the office of  
(Candidate's name on certificate of registration)

\_\_\_\_\_, in the county of \_\_\_\_\_,

State of New Mexico; I affirm that due to my current financial situation, I am unable to pay the mandatory \$50.00 filing fee for county office. Therefore, I submit this affidavit pursuant to Section 1-8-42 NMSA 1978, in lieu of said filing fee together with my declaration of candidacy for the office. I make the foregoing affidavit under oath, knowing that any false statement herein constitutes a felony punishable under the criminal laws of the State of New Mexico.

\_\_\_\_\_  
(Declarant)

\_\_\_\_\_  
(Mailing Address)

\_\_\_\_\_  
(Residence Address)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
(Notary Public)

My commission expires \_\_\_\_\_



# 2012 CAMPAIGN REPORTING SCHEDULE

## Candidates and Political Action Committees

### Primary Election: June 5, 2012

<u>FIRST PRIMARY REPORT</u>	<u>SECOND PRIMARY REPORT</u>	<u>THIRD PRIMARY REPORT</u>	<u>FOURTH PRIMARY REPORT</u>
April 9, 2012 <b>Reporting Period</b> October 3, 2011- April 2, 2012	May 14, 2012 <b>Reporting Period</b> April 3, 2012- May 7, 2012	May 31, 2012 <b>Reporting Period</b> May 8, 2012- May 29, 2012	July 5, 2012 <b>Reporting Period</b> May 30, 2012- June 30, 2012

### General Election: November 6, 2012

<u>FIRST GENERAL REPORT</u>	<u>SECOND GENERAL REPORT</u>	<u>THIRD GENERAL REPORT</u>	<u>FOURTH GENERAL REPORT</u>
September 10, 2012 <b>Reporting Period</b> July 1, 2012- September 3, 2012	October 8, 2012 <b>Reporting Period</b> September 4, 2012- October 1, 2012	November 1, 2012 <b>Reporting Period</b> October 2, 2012- October 30, 2012	December 6, 2012 <b>Reporting Period</b> October 31, 2012- December 1, 2012

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### VOTER ACTION ACT

Pursuant to Section 1-19A-9(E) NMSA 1978, in addition to the campaign contribution and expenditure reports specified in the Election Code, all **noncertified candidates who have as an opponent a certified candidate** shall report to the secretary ten (10) days before the primary (**May 26, 2012**) and general (**October 27, 2012**) elections the amount of money spent by that noncertified candidate. This report shall include all previously unreported transactions through 5:00 p.m. two (2) days before the report is due.

**Please note:** This only applies to statewide judicial offices and the office of public regulation commissioner.

### SUPPLEMENTAL REPORTS

Pursuant to Section 1-19-29(B) NMSA 1978, any contribution or pledge to contribute that is received after 5:00 p.m. on the Tuesday before the election (**May 29, 2012 for the Primary Election & October 30, 2012 for the General Election**) and that is for five hundred dollars (\$500) or more in a legislative or non-statewide judicial election, or two thousand five hundred dollars (\$2,500) or more in a statewide election, shall be reported to the proper filing officer either in a supplemental report on a prescribed form within twenty-four hours of receipt or in the report to be filed by 5:00 p.m. on the Thursday (**May 31, 2012 for the Primary Election & November 2, 2012 for the General Election**) before a primary, general or statewide special election except that any such contribution or pledge to contribute that is received after 5:00 p.m. on the Friday before the election may be reported by 12:00 noon on the Monday before the election (**June 4, 2012 for the Primary Election & November 5, 2012 for the General Election**).

# CAMPAIGN REPORTING ACT

## Section 1-19-1 through 1-19-37 NMSA 1978

### *The Regulation and Disclosure of Campaign Contributions and Expenditures*

#### **Overview:**

The Campaign Reporting Act mandates public disclosure of contributions and expenditures made for a political purpose by public officials and candidates seeking or considering election to offices on a Primary, General or Statewide Special Election ballot. It also provides for registration and disclosure by political committees that contribute or expend funds for a political purpose. Disclosure is accomplished by filing reports of contributions and expenditures in election and non-election years. The Act specifies permissible expenditures from candidates' campaign accounts, prohibits certain fundraising activities by incumbents in or candidates for a regulatory office limits the amount of anonymous and special event contributions that may be retained, and prohibits the solicitation of campaign contributions by legislators or legislative candidates and the Governor (or their agents) before, during, and after a legislative session.

Furthermore, it establishes a filing schedule for all reports and prescribes monetary penalties for failure to file timely, complete or accurate reports or statements of no activity and provides for civil and criminal enforcement. Additionally, it prohibits the placement of a candidate's name on an election ballot, or the issuance of a certificate of nomination or election, for failure to comply with the reporting requirements or failure to pay any monetary penalty imposed.

## DEFINITIONS

*As used in the Campaign Reporting Act (1-19-25 to 1-19-36, NMSA 1978)*

#### **Definition of a candidate:**

"Candidate" means an individual who seeks or considers an office in an election covered by the Campaign Reporting Act, including a public official, who either has filed a declaration of candidacy or nominating petition or:

1. for a non-statewide office, has received contributions or made expenditures of one thousand dollars (\$1,000) or more, or authorized another person or campaign committee to receive contributions or make expenditures of one thousand dollars (\$1,000) or more for the purpose of seeking election to the office; or
2. for a statewide office, has received contributions or made expenditures of two thousand five hundred dollars (\$2,500) or more, or authorized another person or campaign committee to receive contributions or make expenditures of two thousand five hundred dollars (\$2,500) or more for the purpose of seeking election to the office or for candidacy exploration purposes in the years prior to the year of the election.

#### **Definition of a contribution:**

"contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made or received for a political purpose, including payment of a debt incurred in an election campaign, but "contribution" does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

**Definition of expenditure:**

"expenditure" means a payment, transfer or distribution or obligation or promise to pay, transfer or distribute any money or other thing of value for a political purpose, including payment of a debt incurred in an election campaign or pre-primary convention, but does not include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

**Definition of public official:**

"public official" means a person elected to an office in an election covered by the Campaign Reporting Act or a person appointed to an office that is subject to an election covered by that act.

**Definition of reporting individual:**

"reporting individual" means every public official, candidate or treasurer of a campaign committee and every treasurer of a political committee.

**CONTENTS OF REPORT**

**Specific information that must be reported:**

The name and address of the person or entity to whom an expenditure was made or from whom a contribution was received; the occupation or type of business for any person or entity making a contribution of \$250.00 or more in the aggregate per election; the amount of the contribution or expenditure; the purpose of the expenditure and the date the expenditure was made or contribution was received. Each report shall also contain the opening and closing balance of the bank account and the name of the financial institution. *(1-19-31 NMSA 1978)*

**Unpaid debts:**

Each report shall specify the amount of each unpaid debt and the identity of the persons to whom the debt is owed.

**Anonymous contributions:**

No single anonymous contribution may be accepted and deposited into a campaign account in excess of \$100. Furthermore, a statewide candidate may not legally accept, in the aggregate, more than two-thousand dollars (\$2,000) in anonymous contributions during a Primary, General or Statewide Special Election. Similarly, non-statewide candidates may only accept (in the aggregate) anonymous contributions totaling \$500 per election. *(1-19-34(B) NMSA 1978)*

**Unidentifiable Cash Contributions from Special Events:**

Cash contributions received at or from special events that are unidentifiable as to a specific contributor are not subject to the limits placed on anonymous contributions if the special event raises, after expenses, no more than \$1,000 in unidentifiable contributions. *(1-19-34(C) NMSA 1978)*

- A special event includes a barbecue or similar event where a ticket costs \$15 or less. A coffee, tea or similar reception is also classified as a special event.

### **Campaign funds; limitation on use:**

It is unlawful for any candidate or his agent to make an expenditure of contributions received, except for the following purposes *(1-19-29.1(A) NMSA 1978)*

1. expenditures of the campaign;
2. expenditures of legislators that are reasonably related to performing the duties of the office held, including mail, telephone and travel expenditures to serve constituents, but excluding personal and legislative session living expenses;
3. donations to the state general fund;
4. donations to an organization to which a federal income tax deduction would be permitted under Subparagraph (A) of Paragraph (1) of Subsection (b) of Section 170 of the Internal Revenue Code of 1986; as amended;
5. expenditures to eliminate the campaign debt of the candidate for the office sought or expenditures incurred by the candidate when seeking election to another public office covered by the Campaign Reporting Act;
6. donations to a political committee or to another candidate seeking election to public office; or
7. disbursements to return unused funds pro rata to the contributors if no campaign debt exists.

If a candidate has not received any contributions and has not made any expenditures since the candidate's last report was filed with the proper filing officer, the candidate shall only be required to file a **"STATEMENT OF NO ACTIVITY,"** which shall not be required to be notarized, in lieu of a full report when that report would otherwise be due and shall not be required to file a full report until the next required filing date occurring after an expenditure is made or a contribution received. *(1-19-29(C) NMSA 1978)*

**Proper filing officer for filing reports of expenditures and contributions or statements of no activity is the Secretary of State for all candidates and public officials. (1-19-27(C) NMSA 1978)**

### **Reporting Dates: (Refer to page 40 for the 2012 Reporting Schedule)**

1. Candidates must file an initial report.
2. Candidate may choose to file a statement of no activity if they did not receive any contributions or make any expenditures since the last report was filed.
3. Reports required by this section shall be filed electronically by all reporting individuals
4. Reporting individuals may apply to the Secretary of State for exemption from electronic filing in case of "Hardship," which shall be defined by the Secretary of State.
5. All reports are due on the following dates as stated in the 2012 Filing Schedule unless a final report is filed.

**All reports will be filed electronically using the Campaign Finance Information System. Candidates will receive a logon password from the Secretary of State's office to acquire access on the system. You may access the system at [www.sos.state.nm.us](http://www.sos.state.nm.us). Click on the "Elections" tab on top of the page and then click on "NM Campaign Information System".**

**Candidates May Stop Filing Reports ONLY After Filing a Final Report:** *(Candidates may file a final report at any time using the Candidate Electronic Filing System.)*

Except for candidates who file a statement of no activity, each reporting individual shall file a report of expenditures and contributions pursuant to the reporting schedule set forth in this section, regardless of whether any expenditures were made or contributions were received during the reporting period. Public officials who are not candidates in an election shall file reports bi-annually in April and October.

**Reports shall be required until the reporting individual delivers a report to the proper filing officer stating that:**

**(1) there are no outstanding campaign debts;**

**(2) all money has been expended in accordance with the provisions of Section 1-19-29.1 NMSA 1978 and;**

**(3) the bank account has been closed.**

A judge subject to a nonpartisan retention election or a candidate for judicial office shall solicit or accept campaign funds and return unused funds in accordance with the provisions of the Code of Judicial Conduct. (1-19-29.1(B) NMSA 1978) Please refer to 21-700 and 21-800 of the New Mexico Code of Judicial Conduct.

The Secretary of State shall at all times seek to ensure voluntary compliance with the provisions of the Campaign Reporting Act. If the Secretary of State determines that a provision of that act for which a penalty may be imposed has been violated, the Secretary of State shall by written notice set forth the violation and the fine imposed and inform the reporting individual that he has ten (10) working days from the date of the letter to correct the matter and to provide a written explanation, under penalty of perjury, stating any reason why the violation occurred. If a timely explanation is filed and the Secretary of State determines that good cause exists to waive the fine imposed, the Secretary of State may by a written notice of final action partially or fully waive any fine imposed for any late, incomplete, or false report or statement of exception. (1-19-34.4 NMSA 1978)

**1-19-35. Reports and statements; late filing penalty; failure to file.**

**A.** Except for the report required to be filed and delivered the Thursday prior to the election and any supplemental report, as required in Paragraph (5) of Subsection B of Section 1-19-29 NMSA 1978, that is due prior to the election, and subject to the provisions of Section 1-19-34.4 NMSA 1978, if a statement of no activity or a report of expenditures and contributions contains false or incomplete information or is filed after any deadline imposed by the Campaign Reporting Act, the responsible reporting individual or political committee, in addition to any other penalties or remedies prescribed by the Election Code, shall be liable for and shall pay to the secretary of state fifty dollars (\$50.00) per day for each regular working day after the time required by the Campaign Reporting Act for the filing of statements of no activity or reports of expenditures and contributions until the complete or true statement or report is filed, up to a maximum of five thousand dollars (\$5,000).

**B.** If any reporting individual files a false, intentionally incomplete or late report of expenditures and contributions due on the Thursday prior to the election, the reporting individual or political committee shall be liable and pay to the secretary of state five hundred dollars (\$500) for the first working day and

fifty dollars (\$50.00) for each subsequent working day after the time required for the filing of the report until the true and complete report is filed, up to a maximum of five thousand dollars (\$5,000).

C. If a reporting individual fails to file or files a late supplemental report of expenditures and contributions as required in Paragraph (5) of Subsection B of Section 1-19-29 NMSA 1978, the reporting individual or political committee shall be liable for and pay to the secretary of state a penalty equal to the amount of each contribution received or pledged after the Tuesday before the election that was not timely filed.

D. All sums collected for the penalty shall be deposited in the state general fund. A report or statement of no activity shall be deemed timely filed only if it is received by the proper filing officer by the date and time prescribed by law.

E. Any candidate who fails or refuses to file a report of expenditures and contributions or statement of on activity or to pay a penalty imposed by the secretary of state as required by the Campaign Reporting Act **shall not, in addition to any other penalties provided by law:**

**(1) have his name printed upon the ballot if the violation occurs before and through the final date for the withdrawal of candidates; or**

**(2) be issued a certificate of nomination or election, if the violation occurs after the final date for withdrawal of candidates or after the election, until the candidate satisfies all reporting requirements of the Campaign Reporting Act and pays all penalties owed.**

F. Any candidate who loses an election and who failed or refused to file a report of expenditures and contributions or a statement of no activity or to pay a penalty imposed by the secretary of state as required by the Campaign Reporting Act shall not be, **in addition to any other penalties provided by law, permitted to file a declaration of candidacy or nominating petition for any future election until the candidate satisfies all reporting requirements of that act and pays all penalties owed.**

#### **Written Complaints Alleging Violations to the Campaign Reporting Act:**

Any person who reasonably believes that a provision of the Act has been violated, or is about to be violated, may file a written complaint. The complaint must state specific facts. If a determination is made that a violation has, or is about to occur, an initial inquiry may be conducted, thereafter, the matter may be referred for further investigation or enforcement to the attorney general or a district attorney.

*(1-19-34.4(B) NMSA 1978)*

**Reports and statements of no activity are Public Records:** All reports and statements of no activity are public records open to inspection during regular office hours.

## **2012 VOTER ACTION ACT**

### **NMSA 1978 Sections 1-19-A-1 to 1-19A-17**

The Voter Action Act, NMSA Sections 1-19A-1 to 1-19A-17, provides qualified candidates an opportunity to apply for public financing through the Public Election Fund. The provisions of the Act specifically cover the offices of the judicial department subject to statewide election and the office of Public Regulation Commissioner.

\*Please note: Judicial retention elections are not eligible for this fund.

Pursuant to the Voter Action Act the following offices are eligible to apply for public financing in the 2012 election cycle:

1. Judge of the Court of Appeals
2. Public Regulation Commissioner – District #1
3. Public Regulation Commissioner – District #3

Our staff will be assisting candidates and/or their campaign treasurers with the Voter Action Act application process. If you have elected to pursue public financing, please schedule an informational meeting with Mandy Vigil by telephone at (505) 827-3617 or toll free at (800) 477-3632 or by email at [mandy.vigil@state.nm.us](mailto:mandy.vigil@state.nm.us), prior to the filing deadline. Ms. Vigil will provide you with required forms for the applicant candidate, and assist with any questions regarding application procedures.

The following information is intended to be used as a reference for candidates interested in applying for public financing for the 2012 election cycle. We encourage you to always refer to the Voter Action Act as the ultimate legal authority.

#### **DECLARATION OF INTENT:**

A candidate choosing to obtain financing pursuant to the Voter Action Act shall first file with the Secretary of State a declaration of intent to participate in that act as an applicant candidate for a state covered office. The declaration of intent shall be filed with the secretary prior to or during the qualifying period. (1-19A-3 NMSA 1978)

1. An applicant candidate choosing to participate in the Voter Action Act shall submit a declaration of intent prior to collecting any qualifying contributions and make explicit in the declaration that the candidate has complied with and will continue to comply with that act's contribution and expenditure limits and all other requirements set forth in that act and rules issued by the secretary.
2. A candidate shall not be eligible to become an applicant candidate if the candidate has accepted contributions totaling five hundred dollars (\$500) or more or made expenditures totaling five hundred dollars (\$500) or more between the beginning of the qualifying period and filing a declaration of intent.

### **SEED MONEY GUIDELINES:**

Pursuant to Section 1-19A-2(K) NMSA 1978, “**seed money**” means a contribution raised for the primary purpose of enabling applicant candidates to collect qualifying contributions and petition signatures.

Pursuant to Section 1-19-5 NMSA 1978:

1. An applicant candidate **may** collect seed money from individual donors and political action committees in amounts of no more than one hundred dollars (\$100) per donor or committee.
2. An applicant candidate **may** contribute an amount of seed money from the applicant candidate’s own funds up to the limits of five thousand dollars (\$5,000).
3. An applicant candidate **may** collect and spend seed money during the sixty days immediately preceding the qualifying period and throughout the qualifying period.

**Major Parties may collect seed money beginning August 2, 2011 through March 20, 2012.**

**Minor and Independent Parties may collect seed money beginning December 3, 2011 through June 26, 2012.**

4. An applicant candidate **may not** collect seed money from a corporation, association or partnership formed under state law or from labor organizations.
5. An applicant candidate **may not** collect or spend seed money for any purpose after certification and before the end of the election cycle for which the candidate was certified, but after the election cycle may carry forward to the next election cycle any unspent seed money to be used as seed money.
6. If a certified candidate is defeated or is elected and decides not to run again as an applicant candidate, **any unspent seed money shall be forfeited to the Public Election Fund.**
7. After becoming an applicant candidate and **prior to certification**, an applicant candidate **shall not** accept contributions, except for seed money or qualifying contributions.
8. An incumbent, other than a public regulation commissioner, elected prior to 2008 who was not an applicant candidate when elected but who files a declaration of intent to become an applicant candidate in accordance with the Voter Action Act (1-19A-1 NMSA 1978) **may** transfer from the expenditures specified in subsection H of this section.
9. An applicant candidate **shall limit** seed money contributions and expenditures to five thousand dollars (\$5,000).



### **QUALIFYING PERIOD:**

- (1) For major party applicant candidates for covered offices, the period beginning October 1 immediately preceding the election year and ending at 5:00 p.m. on the third Tuesday of March of the election year; and
- (2) For independent and minor party candidates, the period beginning February 1 of the election year and ending that year at 5:00 p.m. on the filing date for independent or minor party candidates for the office for which the candidate is running. (1-19A-2 (I) NMSA 1978)

**Major Parties: October 1, 2011 - March 20, 2012**

**Independent and Minor Parties: February 1, 2012 - June 26, 2012**

### **QUALIFYING CONTRIBUTIONS:**

A donation of five dollars (\$5.00) in the form of cash, check or money order payable to the fund in support of an applicant candidate that is:

- (1) Made by a registered voter who is eligible to vote for the covered office that the applicant candidate is seeking;
- (2) Made during the designated qualifying period and obtained through efforts made with the knowledge and approval of the applicant candidate; and
- (3) Acknowledged by a receipt that identified the contributor's name and residential address on forms provided by the secretary of state and that is **signed** by the contributor, one copy of which is attached to the list of contributors and sent to the secretary of state.

### **CERTIFICATION:**

The applicant candidate should contact Mandy Vigil at 505.827.3600 to arrange for an appointment to submit his/her qualifying contributions and the application for certification. Upon receipt of final submittal of qualifying contributions by the applicant candidate, the Secretary of State shall determine whether the applicant candidate has;

1. Signed and filed a declaration of intent to obtain financing pursuant to the Voter Action Act in accordance with the requirements of that act.
2. Submitted the appropriate number of qualifying contributions.
3. Qualified as a candidate pursuant to other applicable state election laws.
4. Complied with seed money contribution and expenditure restrictions.
5. Met the requirements for obtaining financing pursuant to the Voter Action Act. (1-19A-6 NMSA 1978)

6. The Secretary of State shall certify applicant candidates complying with the requirements as a certified candidate as soon as possible and no later than **ten days** after final submittal of qualifying contributions.
7. Applicant candidate will receive a confirmation letter from the Secretary of State stating that you have or have not qualified for public finance funds.
8. A certified candidate shall comply with all requirements of the Voter Action Act after certification and throughout the Primary and General election cycles.
9. A certified candidate who accepts public campaign funds for the primary election shall comply with all the requirements of the Voter Action Act for the remainder of the election cycle in question, even if he decides not to accept such funds for the general election. (1-19A-6 NMSA 1978)

#### **APPEALS:**

The procedure for challenging a certification decision by the Secretary of State is as follows:

1. A person aggrieved by a certification decision or a decision regarding the distribution of matching funds may appeal to the Secretary of State within three (3) days of the decision. The appeal shall be in **writing** and shall set forth the reasons for appeal; within five (5) days after an appeal is properly made, and after due notice is given to the parties in dispute, the Secretary of State shall hold a hearing whereby:
2. The appellant has the burden of providing evidence to demonstrate that the Secretary of State's decision was improper, and
3. The Secretary of State shall rule on the appeal within three (3) days after the completion of the hearing;
4. The parties in dispute may appeal the decision of the Secretary of State by commencing an action in district court; and certified candidates whose certification is revoked on appeal shall return to the Secretary of State any unspent money distributed from the fund. If the Secretary of State or court finds that an appeal was made frivolously or to result in delay or hardship, the Secretary of State or court may sanction the moving party by requiring the party to pay costs of the administrative hearing, the court hearing and the opposing parties.

#### **RESTRICTIONS FOR CONTRIBUTIONS TO AND EXPENDITURES OF CERTIFIED CANDIDATES:**

1. All money distributed to a certified candidate shall be used for that candidate's campaign related purposes in the election cycle in which the money was distributed.
2. Certified candidate shall return to the fund any amount that is unspent or unencumbered at the time the person ceases to be a candidate before a Primary or General election for which money was distributed.

3. Certified candidate shall limit total campaign expenditures and debts to the amount of money distributed to that candidate from the fund.
4. Certified candidate shall not accept contributions or loan from any other source except the certified candidate's political party, as specified in Section 1-19A-8 NMSA 1978.
5. Within thirty days after the Primary election, a certified candidate shall return to the Secretary any amount that is unspent or unencumbered by the date of the Primary election for direct deposit into the fund. (1-19A-7 NMSA 1978)
6. Within thirty days after the General election, a certified candidate shall return to the Secretary any amount that is unspent or unencumbered by the date of the General election for direct deposit into the fund. (1-19A-7 NMSA 1978)

**POLITICAL PARTY EXPENDITURES; CONTRIBUTION TO CERTIFIED CANDIDATES:**

1. Certified candidate may accept monetary or in-kind contributions from a political party; provided that the aggregate amount of such contributions from all political party committees combined does not exceed the equivalent of ten percent of the value of that candidate's aggregate public financing per election cycle.
2. All in-kind contributions from a political party distributed to certified candidates shall be used for campaign-related purposes.
3. Nothing in this section shall prevent political party funds from being used for general operating expenses of the party; conventions; nominating and endorsing candidates; identifying, researching and developing the party's position on issues; party platform activities; non candidate-specific voter registration; non candidate-specific get-out-the-vote drives; travel expenses for non candidate party leaders and staff; and other non candidate-specific party building activities. (1-19A-8 NMSA 1978)

**CANDIDATE REPORTING REQUIREMENTS:**

1. Applicant candidates shall file a report listing seed money contributions and expenditures with their application for certification.
2. Applicant candidates shall file qualifying contributions with the secretary during the qualifying period according to procedures developed by the Secretary of State. In developing these procedures, the Secretary of State shall use existing campaign reporting procedures and deadlines whenever practical.
3. Certified candidates shall report expenditures according to the campaign reporting requirements specified in the Election Code (1-1-1 NMSA 1978).
4. In addition to the campaign contribution and expenditure reports specified in the Election Code, all non-certified candidates who have as an opponent a certified candidate shall report to the secretary ten days before the primary and general elections the amount of money spent by that non-certified candidate. This report

shall include all previously unreported transactions through 5:00 p.m. two days before the report is due.

5. A person or political committee that makes expenditures to influence a race involving a certified candidate shall report to the secretary the amount that person or political committee has spent. These reports shall include all previously unreported transactions through 5:00 p.m. two days before the report is due, and shall be submitted as follows:
  1. for the Primary election, by 5:00 p.m. on the second Monday in May, by 5:00 p.m. on the eleventh day before the election and by 5:00 p.m. on the Thursday before the election; and
  2. for the General election, by 5:00 p.m. the first Tuesday in October, by 5:00 p.m. on the eleventh day before the election and by 5:00 p.m. on the Thursday before the election.

**PENALTIES:**

1. In addition to other penalties that may be applicable, a person who violates a provision of the Voter Action Act (1-19A-1 NMSA 1978) is subject to a civil penalty of up to ten thousand dollars (\$10,000) per violation. In addition to a fine, a certified candidate found in violation of that act may be required to return to the fund all amounts distributed to the candidate from the fund. If the Secretary of State makes a determination that a violation of that act has occurred, the Secretary of State shall impose a fine or transmit the funding to the attorney general for prosecution. In determining whether a certified candidate is in violation of the expenditure limits of the act, the Secretary of State may consider as a mitigating factor any circumstances out of the candidate's control.
2. A person who willfully or knowingly violates the provisions of the Voter Action Act or rules of the Secretary of State or knowingly makes a false statement in a report required by that act is guilty of a fourth degree felony and, if he is a certified candidate, shall return to the fund all money distributed to that candidate.